

**AMENDMENT OFFERED BY MR. McKEON TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE
To H.R. 5293**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Senior Independence Act of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Functions of the assistant secretary.
- Sec. 4. Federal agency consultation.
- Sec. 5. Administration.
- Sec. 6. Evaluation.
- Sec. 7. Reports.
- Sec. 8. Contractual, commercial and private pay relationships; appropriate use
of act funds.
- Sec. 9. Nutrition education.
- Sec. 10. Pension counseling and information programs.
- Sec. 11. Authorization of appropriations.
- Sec. 12. Purpose; administration.
- Sec. 13. Authorization of appropriations; uses of funds.
- Sec. 14. Organization.
- Sec. 15. Area plans.
- Sec. 16. State plans.
- Sec. 17. Payments.
- Sec. 18. Nutrition services incentive program.
- Sec. 19. Consumer contributions.
- Sec. 20. Supportive services and senior centers program.
- Sec. 21. Nutrition service.
- Sec. 22. Congregate nutrition program.
- Sec. 23. Home delivered nutrition services.
- Sec. 24. Criteria.
- Sec. 25. Nutrition.
- Sec. 26. Caregiver support program definitions.
- Sec. 27. Caregiver support program.



- Sec. 28. Activities of national significance.
- Sec. 29. Title IV grant programs.
- Sec. 30. Career preparation for the field of aging.
- Sec. 31. Health care service demonstration projects in rural areas.
- Sec. 32. Demonstration projects for multigenerational activities.
- Sec. 33. Native american programs.
- Sec. 34. Responsibilities of assistant secretary.
- Sec. 35. Community service employment-based training for older americans.
- Sec. 36. Native americans caregiver support program.
- Sec. 37. Vulnerable elder rights protection activities.
- Sec. 38. Native american organization provisions.
- Sec. 39. Elder abuse, neglect, and exploitation prevention.
- Sec. 40. Technical amendments.

1 SEC. 2. DEFINITIONS.

2 Section 102 of the Older Americans Act of 1965 (42
3 U.S.C. 3002) is amended—

4 (1) by amending paragraph (10) to read as fol-
5 lows:

6 “(10) The terms ‘assistive device’, ‘assistive
7 technology’, and ‘assistive technology service’ have
8 the meanings given such terms in section 3 of the
9 Assistive Technology Act of 1998 (29 U.S.C.
10 3002).”.

11 (2) by amending paragraph (12)(D) to read as
12 follows:

13 “(D) evidence-based health promotion pro-
14 grams, including programs related to the pre-
15 vention and mitigation of the effects of chronic
16 disease (including osteoporosis, hypertension,
17 obesity, diabetes, and cardiovascular disease),
18 alcohol and substance abuse reduction, smoking
19 cessation, weight loss and control, stress man-



1 agement, falls prevention, physical activity, and
2 improved nutrition through the consumption of
3 a healthful diet and multivitamin-mineral sup-
4 plementation;”,

5 (3) in paragraph (29)(E)—

6 (A) in clause (i) by striking “and” at the
7 end,

8 (B) in clause (ii) by striking the period at
9 the end and inserting “; and” , and

10 (C) by adding at the end the following:

11 “(iii) older individuals at risk for in-
12 stitutional placement.”,

13 (4) by redesignating paragraphs (1) through
14 (43) as paragraphs (43), (7), (46), (36), (24), (25),
15 (50), (13), (45), (8), (27), (12), (1), (2), (3), (5),
16 (6), (10), (23), (34), (11), (14),(15), (16), (18),
17 (19), (20), (21), (26), (28), (30), (31) (32), (35),
18 (37), (40), (41), (47), (49), (17), (38), (39), and
19 (44), respectively,

20 (5) by transferring such paragraphs so as to ar-
21 range them in numerical order as so redesignated,

22 (6) by inserting after paragraph (3), as so re-
23 designated the following:

24 “(4) The term ‘Aging and Disability Resource
25 Center’ means a program established by a State as



1 part of the State's system of long-term care, to pro-
2 vide a coordinated system for providing—

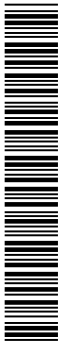
3 “(A) comprehensive information on avail-
4 able public and private long-term care pro-
5 grams, options, and resources;

6 “(B) personal counseling to assist individ-
7 uals in assessing their existing or anticipated
8 long-term care needs, and developing and imple-
9 menting a plan for long-term care designed to
10 meet their specific needs and circumstances;
11 and

12 “(C) consumer access to the range of pub-
13 licly-supported long-term care programs for
14 which they may be eligible, by serving as a con-
15 venient point of entry for such programs.”,

16 (7) by inserting after paragraph (8), as so re-
17 designated, the following:

18 “(9) The term ‘at risk for institutional place-
19 ment’ means, with respect to an older individual,
20 that such individual is unable to perform at least
21 two activities of daily living without substantial
22 human assistance (including verbal reminding, phys-
23 ical cuing, or supervision) and is determined by the
24 State to be in need of placement in a long-term care
25 facility.”,



1 (8) by inserting after paragraph (21), as so re-
2 designated, the following:

3 “(22) The term ‘Hispanic serving institution’
4 has the meaning as defined in section 502 of the
5 Higher Education Act of 1965 (20 U.S.C. 1101A).”,

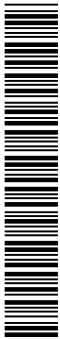
6 (9) by inserting after paragraph (28), as so re-
7 designated, the following:

8 “(29) The term ‘long-term care’ means any
9 services, care, or items (including assistive devices),
10 including disease prevention and health promotion
11 services, in-home services, and case management
12 service—

13 “(A) intended to assist individuals in cop-
14 ing with, and to the extent practicable com-
15 pensate for, functional impairments in carrying
16 out activities of daily living;

17 “(B) furnished at home, in a community
18 care setting (including a small community care
19 setting as defined in subsection (g)(1), and a
20 large community care setting as defined in sub-
21 section (h)(1), of section 1929 of the Social Se-
22 curity Act (42 U.S.C. 1396t)), or in a long-
23 term care facility; and

24 “(C) not furnished to prevent, diagnose,
25 treat, or cure a medical disease or condition.”,



1 (10) by inserting after paragraph (32), as so
2 redesignated, the following:

3 “(33) The term ‘multivitamin-mineral supple-
4 ment’ means a dietary supplement that provides at
5 least two-third’s of the essential vitamins and min-
6 erals at 100 percent of the daily value levels as de-
7 termined by the Food and Drug Administration.”,

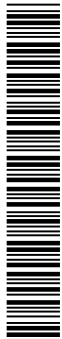
8 (11) by inserting after paragraph (40), as so
9 redesignated, the following:

10 “(41) The term ‘self-directed care’ means an
11 approach to providing services (including programs,
12 benefits, supports, and technology) under this Act
13 intended to an older individual to assist such indi-
14 vidual with activities of daily living, in which

15 “(A) such services (including the amount,
16 duration, scope, provider, and location of such
17 services) are planned, budgeted, and purchased
18 under the direction and control of such indi-
19 vidual;

20 “(B) such individual is provided with such
21 information and assistance as necessary and ap-
22 propriate to enable such individual to make in-
23 formed decisions about his or her care options;

24 “(C) the needs, capabilities, and pref-
25 erences of such individual with respect to such



1 services, and such individual's ability to direct
2 and control his or her receipt of such services,
3 are assessed by the area agency on aging (or
4 other agency designated by the area agency on
5 aging);

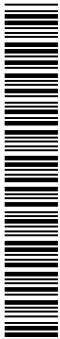
6 “(D) based on the assessment made under
7 subparagraph (C), the area agency on aging (or
8 other agency designated by the area agency on
9 aging) develops together with such individual
10 and his or her family, caregiver, or legal
11 representative—

12 “(i) a plan of services for such indi-
13 vidual that specifies which services such in-
14 dividual will be responsible for directing;

15 “(ii) a determination of the role of
16 family members (and others whose partici-
17 pation is sought by such individual) in pro-
18 viding services under such plan; and

19 “(iii) a budget for such services; and

20 “(E) the area agency on aging or State
21 agency provides for oversight of such individ-
22 ual's self-directed receipt of services, including
23 steps to ensure the quality of services provided
24 and the appropriate use of funds under this
25 Act.”, and



1 (12) by inserting after paragraph (47), as so
2 redesignated, the following:

3 “(48) The term ‘State system of long-term
4 care’ means the Federal, State, and local programs
5 and activities administered by a State that provide,
6 support, or facilitate access to long-term care to in-
7 dividuals in such State.”.

8 **SEC. 3. FUNCTIONS OF THE ASSISTANT SECRETARY.**

9 Section 202 of the Older Americans Act of 1965 (42
10 U.S.C. 3012) is amended—

11 (1) in subsection (a)—

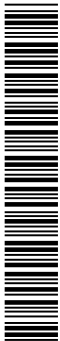
12 (A) in paragraph (5) by inserting “assist-
13 ive technology,” after “housing,”,

14 (B) in paragraph (20)—

15 (i) by striking “and area agencies on
16 aging” and inserting “, area agencies on
17 aging, and service providers”,

18 (ii) by striking “and benefits” and in-
19 serting “benefits”, and

20 (iii) by inserting “benefits under any
21 other applicable Federal program, or any
22 other service (including technology and
23 internet-based decision support tools) to
24 assist consumers to learn about, to receive
25 benefits under, and to participate in pro-



1 grams for which they may be eligible”
2 after “(7 U.S.C. 2011 et seq.),”,
3 (C) in paragraph (26)—
4 (i) in subsection (D)—
5 (I) by striking “gaps in”, and
6 (II) by inserting “(including serv-
7 ices that would permit such individ-
8 uals to receive long-term care in home
9 and community-based settings)” after
10 “individuals”, and
11 (ii) in subsection (E) by striking
12 “and” at the end,
13 (D) in paragraph (27)—
14 (i) in subparagraph (B) by adding
15 “and” at the end,
16 (ii) in subparagraph (C) by striking
17 the semicolon and inserting “; and”,
18 (iii) by striking subparagraph (D),
19 and
20 (iv) by striking the period at the end
21 and inserting “; and”, and
22 (E) by adding at the end the following:
23 “(28) make available to States information and
24 technical assistance to support the provision of evi-



1 dence-based disease prevention and health promotion
2 services. ”, and

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b) To promote the development and implementa-
6 tion of comprehensive, coordinated systems at Federal,
7 State, and local levels for providing long-term care in
8 home and community-based settings, in a manner respon-
9 sive to the needs and preferences of older individuals and
10 their family caregivers, the Assistant Secretary shall, con-
11 sistent with the applicable provisions of this title—

12 “(1) collaborate, coordinate, and consult with
13 other Federal agencies and departments responsible
14 for formulating and implementing programs, bene-
15 fits, and services related to providing long-term care,
16 and may make grants, contracts, and cooperative
17 agreements with funds received from other Federal
18 entities;

19 “(2) conduct research and demonstration
20 projects to identify innovative, cost-effective strate-
21 gies for modifying State systems of long-term care
22 to—

23 “(A) respond to the needs and preferences
24 of older individuals and family caregivers; and



1 “(B) target services to individuals at risk
2 for institutional placement, to permit such indi-
3 viduals to remain in home and community-
4 based care settings;

5 “(3) establish criteria and promote the imple-
6 mentation (through area agencies on aging, service
7 providers, and such other entities as the Assistant
8 Secretary determines to be appropriate) of evidence-
9 based programs to assist older individuals and their
10 family caregivers in learning about and making be-
11 havioral changes intended to reduce the risk of in-
12 jury, disease, and disability among older individuals;

13 “(4) facilitate the provision of long-term care in
14 home and community-based settings, including con-
15 sumer-directed models;

16 “(5) provide for the Administration to play a
17 lead role with respect to issues concerning home and
18 community-based long-term care, including—

19 “(A) directing (as the Secretary or the
20 President determines to be appropriate) or oth-
21 erwise participating in departmental and inter-
22 departmental activities concerning long-term
23 care;



1 “(B) reviewing and commenting on depart-
2 mental rules, regulations, and policies related to
3 providing long-term care; and

4 “(C) making recommendations to the Sec-
5 retary with respect to home and community-
6 based long-term care, including recommenda-
7 tions based on findings made through projects
8 conducted under paragraph (2);

9 “(6) promote, in coordination with other appro-
10 pate Federal agencies, enhanced awareness by the
11 public of the importance of planning in advance for
12 long-term care and the availability of information
13 and resources to assist in such planning, and the im-
14 plementation of Aging and Disability Resource Cen-
15 ters;

16 “(7) establish, either directly or through grants
17 or contracts, a national technical assistance program
18 to assist State agencies, area agencies on aging, and
19 community-based service providers funded under this
20 Act in implementing such home and community-
21 based long-term care systems including evidence-
22 based programs;

23 “(8) develop, in collaboration with the Adminis-
24 trator of the Centers for Medicare and Medicaid
25 Services, performance standards and measures for



1 use by States to determine the extent to which their
2 systems of long-term care fulfill the objectives de-
3 scribed in this subsection; and

4 “(9) conduct such other activities as the Assist-
5 ant Secretary determines to be appropriate.

6 “(c) The Assistant Secretary, in consultation with the
7 Corporation for National and Community Service, shall—

8 “(1) encourage and permit voluntary groups ac-
9 tive in supportive services, including youth organiza-
10 tions active at the secondary or postsecondary levels,
11 to participate and be involved individually or
12 through representative groups, in such programs or
13 activities to the maximum extent feasible;

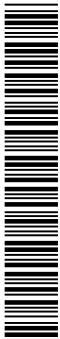
14 “(2) develop a comprehensive strategy for uti-
15 lizing older individuals to address critical local needs
16 of national concern; and

17 “(3) other community capacity building initia-
18 tives involving older individuals.”.

19 **SEC. 4. FEDERAL AGENCY CONSULTATION.**

20 Section 203 of the Older Americans Act of 1965 (42
21 U.S.C. 3013) is amended—

22 (1) in subsection (a)(3)(A) by striking “(with
23 particular attention to low income minority individ-
24 uals and older individuals residing in rural areas)”
25 and inserting “(with particular attention to low-in-



1 come older individuals, including low-income minor-
2 ity older individuals, older individuals with limited
3 English proficiency, and older individuals residing in
4 rural areas)”, and

5 (2) in subsection (b)—

6 (A) in paragraph (17) by striking “and” at
7 the end,

8 (B) in paragraph (18) by striking the pe-
9 riod at the end and inserting “; and”, and

10 (C) by adding at the end the following:

11 “(19) sections 4 and 5 of the Assistive Tech-
12 nology Act of 1998 (29 U.S.C. 3003–3004).”.

13 **SEC. 5. ADMINISTRATION.**

14 Section 205 of the Older Americans Act of 1965 (42
15 U.S.C. 3016) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (B) by adding
19 “and” at the end,

20 (ii) in subparagraph (C) by adding “;
21 and” at the end,

22 (iii) in subparagraph (D) by striking
23 the semicolon at the end and inserting a
24 period, and



1 (iv) by striking subparagraph (E),

2 and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A)—

5 (I) by amending clause (i) to

6 read as follows:

7 “(i) designing, implementing, and evaluating
8 evidence-based programs to support improved nutri-
9 tion and regular physical activity for older individ-
10 uals;”,

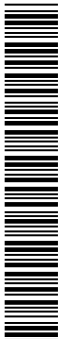
11 (II) by amending clause (iii) to

12 read as follows:

13 “(iii) conducting outreach and disseminating
14 evidence-based information to nutrition service pro-
15 viders about the benefits of healthful diets and reg-
16 ular physical activity, including information about
17 the most current Dietary Guidelines for Americans
18 published under section 301 of the National Nutri-
19 tion Monitoring and Related Research Act of 1990
20 (7 U.S.C. 5341), the Food Guide Pyramid published
21 jointly by the Secretary and the Secretary of Agri-
22 culture, and advances in nutrition science;”,

23 (III) in clause (vii) by striking

24 “and” at the end, and



1 (IV) by striking clause (viii) and
2 inserting the following:

3 “(viii) disseminating guidance that de-
4 scribes strategies for improving the nutritional
5 quality of meals provided under title III, par-
6 ticularly strategies for increasing the consump-
7 tion of whole grains, lowfat dairy products,
8 fruits and vegetables;

9 “(ix) developing and disseminating guide-
10 lines for conducting nutrient analyses of meals
11 provided in subparts 1 and 2 of part C, includ-
12 ing guidelines for averaging key nutrients over
13 an appropriate period of time; and

14 “(x) providing technical assistance to the
15 regional offices of the Administration with re-
16 spect to each duty described in clauses (i)
17 through (viii).”, and

18 (ii) by amending subparagraph (C)(i)

19 to read as follows:

20 “(i) have expertise in nutrition, energy balance,
21 and meal planning; and”.

22 **SEC. 6. EVALUATION.**

23 The 1st sentence of section 206(g) of the Older
24 Americans Act of 1965 (42 U.S.C. 3017(g)) is amended
25 to read as follows:



1 “From the total amount appropriated for each fiscal year
2 to carry out title III, the Secretary may use such sums
3 as may be necessary, but not to exceed $\frac{1}{2}$ of 1 percent
4 of such amount, for purposes of conducting evaluations
5 under this section, either directly or through grants or
6 contracts.”.

7 **SEC. 7. REPORTS.**

8 Section 207(b)(2) of the Older Americans Act of
9 1965 (42 U.S.C. 3018(b)(2)) is amended—

10 (1) in subparagraph (B) by striking “Labor”
11 and inserting “the Workforce”, and

12 (2) in subparagraph (C) by striking “Labor and
13 Human Resources” and inserting “Health, Edu-
14 cation, Labor, and Pensions”.

15 **SEC. 8. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY**
16 **RELATIONSHIPS; APPROPRIATE USE OF ACT**
17 **FUNDS.**

18 (a) PRIVATE PAY RELATIONSHIPS; APPROPRIATE
19 USE OF ACT FUNDS.—Section 212 of the Older Ameri-
20 cans Act (42 U.S.C. 3020c) is amended to read as follows:



1 **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRI-**
2 **VATE PAY RELATIONSHIPS; APPROPRIATE**
3 **USE OF FUNDS.**

4 “(a) IN GENERAL.—Subject to subsection (b), this
5 Act shall not be construed to prevent a recipient of a grant
6 or a contract from entering into an agreement—

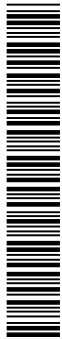
7 “(1) with a profitmaking organization;

8 “(2) under which funds provided under such
9 grant or contract are used to pay part or all of a
10 cost (including an administrative cost) incurred by
11 such recipient to carry out a contract or commercial
12 relationship for the benefit of older individuals or
13 their family caregivers, whether such relationship is
14 carried out to implement a provision of this Act or
15 to conduct activities inherently associated with im-
16 plementing such provision; or

17 “(3) under which any individual, regardless of
18 age or income (including the family caregiver of such
19 individual), who seeks to receive 1 or more services
20 pays, at their own private expense, to receive such
21 services based on the fair market value of such serv-
22 ices.

23 “(b) ENSURING APPROPRIATE USE OF FUNDS.—An
24 agreement described under subsection (a) may not—

25 “(1) be made without the prior approval of the
26 State agency (or, in the case of a grantee under title



1 VI, without the prior recommendation of the Direc-
2 tor of the Office for American Indian, Alaska Na-
3 tive, and Native Hawaiian Aging and the prior ap-
4 proval of the Assistant Secretary);

5 “(2) directly or indirectly provide for, or have
6 the effect of, paying, reimbursing, or otherwise com-
7 pensating an entity under such agreement in an
8 amount that exceeds the fair market value of the
9 goods or services furnished by such entity under
10 such agreement;

11 “(3) result in the displacement of services oth-
12 erwise available to an older individual with the
13 greatest social need, an older individual with great-
14 est economic need, or an older individual who is at
15 risk for institutional placement; or

16 “(4) in any other way compromise, undermine,
17 or be inconsistent with the objective of serving the
18 needs of older individuals, as determined by the As-
19 sistant Secretary.”.

20 **SEC. 9. NUTRITION EDUCATION.**

21 Section 214 of the Older Americans Act of 1965 (42
22 U.S.C. 3020e) is amended to read as follows:

23 **“SEC. 214. NUTRITION EDUCATION.**

24 “The Assistant Secretary, in consultation with the
25 Secretary of Agriculture, shall conduct outreach and pro-



1 vide technical assistance to agencies and organizations
2 that serve older individuals to assist such agencies and or-
3 ganizations to carry out integrated health promotion and
4 disease prevention programs that are designed for older
5 individuals and that include nutrition education, physical
6 activity, and other activities to modify behavior and to im-
7 prove health literacy (including information on optimal nu-
8 trient intake) through education and counseling in accord-
9 ance with section 339(2)(J).”.

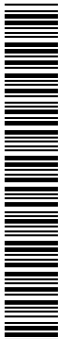
10 **SEC. 10. PENSION COUNSELING AND INFORMATION PRO-**
11 **GRAMS.**

12 Section 215 of the Older Americans Act of 1965 (42
13 U.S.C. 3020e–1) is amended—

14 (1) in subsection (e)(1)(J) by striking “and low
15 income retirees” and inserting “, low-income retir-
16 ees, and older individuals with limited English pro-
17 ficiency”,

18 (2) in subsection (f) by amending paragraph (2)
19 to read as follows:

20 “(2) The ability of the entity to perform effec-
21 tive outreach to affected populations, particularly
22 populations with limited English proficiency and
23 other populations that are identified in need of spe-
24 cial outreach.”, and



1 (3) in subsection (h)(2) by inserting “(including
2 individuals with limited English proficiency)” after
3 “individuals”.

4 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 216 of the Older Americans Act of 1965 (42
6 U.S.C. 3020f) is amended—

7 (1) in subsection (a) by striking “2001, 2002,
8 2003, 2004, and 2005” and inserting “2007, 2008,
9 2009, 2010, and 2011.”, and

10 (2) in subsections (b) and (c) by striking
11 “year” and all that follows through “years”, and in-
12 serting “years 2007, 2008, 2009, 2010, and 2011”.

13 **SEC. 12. PURPOSE; ADMINISTRATION.**

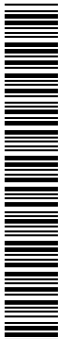
14 Section 301(a)(2) of the Older Americans Act of
15 1965 (42 U.S.C. 3021(a)(2)) is amended—

16 (1) in subparagraph (D) by striking “and” at
17 the end

18 (2) in subparagraph (E) by striking the period
19 at the end and inserting “; and”, and

20 (3) by adding at the end the following:

21 “(F) organizations with experience in providing
22 senior volunteer services, such as Federal volunteer
23 programs administered by the Corporation for Na-
24 tional and Community Service designed to provide



1 training, placement, and stipends for volunteers in
2 community service settings.”.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS; USES OF**
4 **FUNDS.**

5 Section 303 of the Older Americans Act of 1965 (42
6 U.S.C. 3023) is amended—

7 (1) in subsection (a)(1), (b), and (d) by striking
8 “year 2001” and all that follows through “years”
9 each place it appears, and inserting “years 2007,
10 2008, 2009, 2010, and 2011”, and

11 (2) in subsection (e)(1) by striking “2001”
12 each place it appears and inserting “2007”.

13 **SEC. 14. ORGANIZATION.**

14 Section 305(a) of the Older Americans Act of 1965
15 (42 U.S.C. 3025(a)) is amended—

16 (1) in paragraph (1)(E) by striking “(with par-
17 ticular attention to low income minority individuals
18 and older individuals residing in rural areas)” each
19 place it appears and inserting “(with particular at-
20 tention to low-income older individuals, including
21 low-income minority older individuals, older individ-
22 uals with limited English proficiency, and older indi-
23 viduals residing in rural areas)”,

24 (2) in paragraph (2)(E) by striking “with par-
25 ticular attention to low income minority individuals



1 and older individuals residing in rural areas” and in-
2 serting “with particular attention to low-income
3 older individuals, including low-income minority
4 older individuals, older individuals with limited
5 English proficiency, and older individuals residing in
6 rural areas”, and

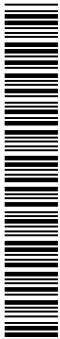
7 (3) by adding at the end the following:

8 “(3) the State agency shall, consistent with this
9 section, promote the development and implementa-
10 tion of a comprehensive, coordinated system in such
11 State for providing long-term care in home and com-
12 munity-based settings, in a manner responsive to the
13 needs and preferences of older individuals and their
14 family caregivers, by—

15 “(A) collaborating, coordinating, and con-
16 sulting with other agencies in such State re-
17 sponsible for formulating, implementing, and
18 administering programs, benefits, and services
19 related to providing long-term care;

20 “(B) participating in any State govern-
21 ment activities concerning long-term care, in-
22 cluding reviewing and commenting on any State
23 rules, regulations, and policies related thereto;

24 “(C) conducting analyses and making rec-
25 ommendations with respect to strategies for



1 modifying the State’s system of long-term care
2 to better—

3 “(i) respond to the needs and pref-
4 erences of older individuals and family
5 caregivers;

6 “(ii) facilitate the provision of long-
7 term care in home and community-based
8 settings through service providers;

9 “(iii) target services to individuals at
10 risk for institutional placement, to permit
11 such individuals to remain in home and
12 community-based care settings; and

13 “(iv) implement (through area agen-
14 cies on aging, service providers, and such
15 other entities as the State determines to be
16 appropriate) evidence-based programs to
17 assist older individuals and their family
18 caregivers in learning about and making
19 behavioral changes intended to reduce the
20 risk of injury, disease, and disability
21 among older individuals; and

22 “(D) providing for the availability and dis-
23 tribution (through public education campaigns,
24 aging and disability resource centers, area



1 agencies on aging, and other appropriate
2 means) of information relating to—

3 “(i) the need to plan in advance for
4 long-term care; and

5 “(ii) the range of available public and
6 private long-term care programs, options,
7 and resources.”.

8 **SEC. 15. AREA PLANS.**

9 Section 306 of the Older Americans Act of 1965 (42
10 U.S.C. 3026) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) by striking “(with particular atten-
14 tion to low income minority individuals and
15 older individuals residing in rural areas)”
16 each place it appears and inserting “(with
17 particular attention to low-income older in-
18 dividuals, low-income minority older indi-
19 viduals, older individuals with limited
20 English proficiency, and older individuals
21 residing in rural areas)”, and

22 (ii) by inserting “the number of older
23 individuals at risk for institutional place-
24 ment residing in such area,” after “indi-
25 viduals) residing in such area,”,



1 (B) in paragraph (2)(A) by inserting
2 “health services (including mental health serv-
3 ices),” after “transportation,”

4 (C) in paragraph (4)—

5 (i) in subparagraph (A)—

6 (I) by amending clause (i) to
7 read as follows:

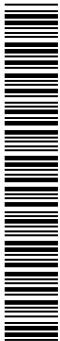
8 “(i) provide assurances that the area agency on
9 aging will—

10 “(I) set specific objectives, consistent with
11 State policy, for providing services to older indi-
12 viduals with greatest economic need, older indi-
13 viduals with greatest social need, and older in-
14 dividuals at risk for institutional placement;

15 “(II) include in the area plan specific ob-
16 jectives for providing services to low-income mi-
17 nority older individuals and older individuals re-
18 siding in rural areas; and

19 “(III) include in the area plan proposed
20 methods to achieve such objectives;”. and

21 (II) in clause (ii) by inserting
22 “(including older individuals with lim-
23 ited English proficiency)” after “low
24 income minority individuals” each
25 place it appears; and



1 (ii) in subparagraph (B)—

2 (I) by moving the left margin of
3 each of subparagraph (B), clauses (i)
4 and (ii), and subclauses (I) through
5 (VI) of clause (i), 2 ems to the left,

6 (II) in clause (i)—

7 (aa) in subclause (V) by
8 striking “and” at the end; and

9 (bb) by adding at the end
10 the following:

11 “(VI) older individuals at risk for
12 institutional placement; and”, and

13 (III) by striking “(VI)” and in-
14 serting “(VII)”,

15 (D) in paragraph (5) by inserting “and in-
16 dividuals at risk for institutional placement”
17 after “severe disabilities”,

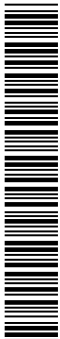
18 (E) in paragraph (6)—

19 (i) in subparagraph (C)—

20 (I) in clause (i) by striking
21 “and” at the end,

22 (II) in clause (ii) by adding
23 “and” at the end, and

24 (III) by inserting after clause (ii)
25 the following:



1 “(iii) make use of trained volunteers
2 in providing direct services delivered to el-
3 derly and disabled individuals needing such
4 care and, if possible, work in coordination
5 with volunteer programs (including pro-
6 grams administered by the Corporation for
7 National Service) designed to provide
8 training, placement, and stipends for vol-
9 unteers in community service settings.”,

10 (ii) in subparagraph (D)—

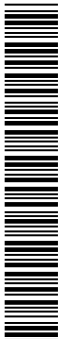
11 (I) by inserting “family care-
12 givers of such individuals,” after
13 “Act,”. and

14 (II) by inserting “service pro-
15 viders, the business community,” after
16 “individuals,”, and

17 (iii) in subparagraph (F) by inserting
18 “(including mental health screening)” after
19 “provided”,

20 (F) by amending paragraph (7) to read as
21 follows:

22 “(7) provide that the area agency on aging
23 shall, consistent with this section, facilitate the area-
24 wide development and implementation of a com-
25 prehensive, coordinated system for providing long-



1 term care in home and community-based settings, in
2 a manner responsive to the needs and preferences of
3 older individuals and their family caregivers, by—

4 “(A) collaborating, coordinating, and con-
5 sulting with other local public and private agen-
6 cies and organizations responsible for admin-
7 istering programs, benefits, and services related
8 to providing long-term care;

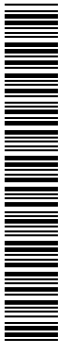
9 “(B) conducting analyses and making rec-
10 ommendations with respect to strategies for
11 modifying the local system of long-term care to
12 better—

13 “(i) respond to the needs and pref-
14 erences of older individuals and family
15 caregivers;

16 “(ii) facilitate the provision, through
17 service providers, of long-term care in
18 home and community-based settings; and

19 “(iii) target services to older individ-
20 uals at risk for institutional placement, to
21 permit such individuals to remain in home
22 and community-based care settings;

23 “(C) implement, through the agency or
24 service providers, evidence-based programs to
25 assist older individuals and their family care-



1 givers in learning about and making behavioral
2 changes intended to reduce the risk of injury,
3 disease, and disability among older individuals;
4 and

5 “(D) provide for the availability and dis-
6 tribution (through public education campaigns,
7 aging and disability resource centers, and other
8 appropriate means) of information relating to—

9 “(i) the need to plan in advance for
10 long-term care; and

11 “(ii) the range of available public and
12 private long-term care programs, options,
13 and resources.”,

14 (G) by striking paragraph (14) and the 2
15 paragraphs (15),

16 (H) by redesignating paragraph (16) as
17 paragraph (14), and

18 (I) by adding at the end the following:

19 “(15) provide assurances that funds received
20 under this title will be used—

21 “(A) in a manner, consistent with para-
22 graph (4), that gives priority in furnishing ben-
23 efits and services to older individuals with
24 greatest economic need, older individuals with



1 greatest social need, and older individuals at
2 risk for institutional placement; and

3 “(B) in compliance with the assurances
4 specified in paragraph (13) and the limitations
5 specified in section 212(b); and

6 “(16) provide, to the maximum extent feasible,
7 for the furnishing of services under this Act con-
8 sistent with self-directed care.”,

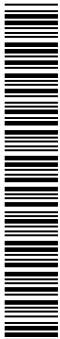
9 (2) by redesignating subsections (b), (c), (d),
10 and (e) as subsections (c), (d), (e), and (f), and

11 (3) by inserting after subsection (a) the fol-
12 lowing:

13 “(b)(1) An area agency on aging may include in the
14 area plan an assessment of how prepared the planning and
15 service area is for any anticipated change in the number
16 of older individual during the 10-year period following the
17 fiscal year for which the plan is submitted. Such assess-
18 ment may include—

19 “(A) the projected change in the number
20 of older individuals in the planning and service
21 area;

22 “(B) an analysis of how such change may
23 affect such individuals, including such individ-
24 uals with low incomes, such individuals with
25 greatest economic need, minority older individ-



1 uals, older individuals residing in rural areas,
2 and older individuals with limited English pro-
3 ficiency;

4 “(C) an analysis of how the programs,
5 policies, and services provided in the planning
6 and service area can be improved, and how re-
7 source levels can be adjusted, to meet the needs
8 of the changing population of older individuals
9 in such area; and

10 “(D) an analysis of how the change in the
11 number of individuals 85 years of age and older
12 is expected to affect the need for supportive
13 services.

14 “(2) An area agency on aging, in cooperation with
15 government officials, State agencies, tribal organizations,
16 or local entities, may make recommendations to govern-
17 ment officials in the planning and service area and the
18 State, on actions determined by the area agency to build
19 the capacity in the planning and service area to meet the
20 needs of older individuals for—

21 “(A) health and human services;

22 “(B) land use;

23 “(C) housing;

24 “(D) transportation;

25 “(E) public safety;



1 “(F) workforce and economic development;
2 “(G) recreation;
3 “(H) education;
4 “(I) civic engagement; and
5 “(J) any other service as determined by such
6 agency.”.

7 **SEC. 16. STATE PLANS.**

8 Section 307(a) of the Older Americans Act of 1965
9 (42 U.S.C. 3027(a)) is amended—

10 (1) in paragraph (4) by striking “with par-
11 ticular attention to low income minority individuals
12 and older individuals residing in rural areas” and in-
13 serting “low-income minority older individuals, older
14 individuals with limited English proficiency, and
15 older individuals residing in rural areas”,

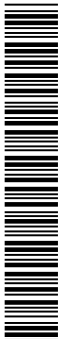
16 (2) by striking paragraph (15),

17 (3) by redesignating paragraph (14) as para-
18 graph (15),

19 (4) by inserting after paragraph (13) the fol-
20 lowing:

21 “(14) The plan shall, with respect to the fiscal
22 year preceding the fiscal year for which such plan is
23 prepared—

24 “(A) identify the number of low-income
25 minority older individuals in the State, includ-



1 ing the number of low-income older individuals
2 with limited English proficiency; and

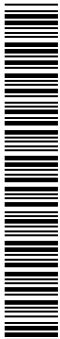
3 “(B) describe the methods used to satisfy
4 the service needs of such minority older individ-
5 uals, including the plan to service the needs of
6 older individuals with limited English pro-
7 ficiency.”,

8 (5) in clauses (ii) and (iii) of paragraph (16)(A)
9 by striking “(with particular attention to low income
10 minority individuals and older individuals residing in
11 rural areas)” each place it appears and inserting
12 “(with particular attention to low-income older indi-
13 viduals, low-income minority older individuals, older
14 individuals with limited English proficiency, and
15 older individuals residing in rural areas)”, and

16 (6) by adding at the end the following:

17 “(27) The plan shall provide assurances that
18 area agencies on aging will, to the maximum extent
19 feasible, provide for the furnishing of services under
20 this Act consistent with self-directed care.

21 “(28)(A) The plan shall include, at the election
22 of the State, an assessment of how prepared the
23 State is, under the State’s statewide service delivery
24 model, for a change in the number of older individ-



1 uals during the 10-year period following the fiscal
2 year for which the plan is submitted.

3 “(B) Such assessment may include—

4 “(i) the projected change in the number of
5 older individuals in the State;

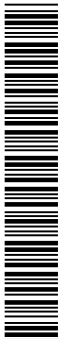
6 “(ii) an analysis of how such change may
7 affect such individuals, including individuals
8 with low incomes, individuals with great eco-
9 nomic need, minority older individuals, older in-
10 dividuals residing in rural areas, and older indi-
11 viduals with limited English proficiency;

12 “(iii) an analysis of how the programs,
13 policies, and services provided by the State can
14 be improved, including coordinating with area
15 agencies on aging, and how resource levels can
16 be adjusted to meet the needs of the changing
17 population of older individuals in the State; and

18 “(iv) an analysis of how the change in the
19 number of individuals 85 years of age and older
20 in the State is expected to affect the need for
21 supportive services.”.

22 **SEC. 17. PAYMENTS.**

23 Section 309(b)(2) of the Older Americans Act of
24 1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the
25 non-Federal share required prior to fiscal year 1981” and



1 inserting “10 percent of the cost of the services specified
2 in such section 304(d)(1)(D)”.

3 **SEC. 18. NUTRITION SERVICES INCENTIVE PROGRAM.**

4 (a) CASH ONLY PROGRAM; AUTHORITY TO USE PRO-
5 GRAM FUNDS TO PURCHASE FOOD THROUGH SCHOOL
6 FOOD AUTHORITIES.—Section 311 of the Older Ameri-
7 cans Act of 1965 (42 U.S.C. 3030a) is amended—

8 (1) in subsection (b) by adding at the end the
9 following:

10 “(3) Each State agency shall promptly and equitably
11 disburse amounts received under this subsection to recipi-
12 ents of grants and contracts.”.

13 (2) in subsection (c)—

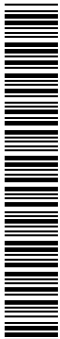
14 (A) in paragraph (1) by inserting “(includ-
15 ing bonus commodities)” after “commodities”,

16 (B) in paragraph (2) by inserting “(includ-
17 ing bonus commodities)” after “commodities”,

18 (C) in paragraph (3) by inserting “(includ-
19 ing bonus commodities)” after “products”, and

20 (D) by adding at the end the following:

21 “(4) Among the commodities delivered under this
22 subsection, the Secretary of Agriculture shall give special
23 emphasis to high protein foods. The Secretary of Agri-
24 culture, in consultation with the Assistant Secretary, is



1 authorized to prescribe the terms and conditions respect-
2 ing the donation of commodities under this subsection.”,

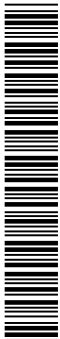
3 (3) by amending subsection (d) to read as fol-
4 lows:

5 “(d)(1) Amounts provided under subsection (b) to
6 State grantees and contractors, and to title VI grantees,
7 shall be available only for the purchase by such entities
8 of United States agricultural commodities and other foods
9 for their respective nutrition projects, subject to para-
10 graph (2).

11 “(2) Part or all of the amounts received by an entity
12 specified in paragraph (1) may be used to pay a school
13 food authority (as referred to under the Richard B. Rus-
14 sell National School Lunch Act (42 U.S.C.1751 et seq.)
15 to obtain United States agricultural commodities for such
16 entity’s nutrition projects, in accordance with an agree-
17 ment between the entity and the school food authority,
18 under which such payments—

19 “(A) shall cover the cost of such commodities;
20 and

21 “(B) may cover related expenses incurred by
22 the school food authority, including the cost of
23 transporting, distributing, processing, storing, and
24 handling such commodities.”,



1 (4) in subsection (e) by striking “2001” and in-
2 serting “2007”,

3 (5) in subsection (f)—

4 (A) in the matter preceding paragraph (1)
5 by striking “the Secretary of Agriculture and
6 the Secretary of Health and Human Services”
7 and inserting “the Assistant Secretary and the
8 Secretary of Agriculture”, and

9 (B) by amending paragraphs (1) and (2)
10 to read as follows:

11 “(1) school food authorities participating in
12 programs authorized under the Richard B. Russell
13 National School Lunch Act within the geographic
14 area served by each such State agency; and

15 “(2) the donated foods available to such State
16 agencies, area agencies on aging, and providers
17 under subsection (c).”.

18 **SEC. 19. CONSUMER CONTRIBUTIONS.**

19 Section 315 of the Older Americans Act of 1965 (42
20 U.S.C. 3030c-2) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1) by striking “provided
23 that” and inserting “, and such contributions
24 shall be encouraged for individuals whose self-
25 declared income is at or above 125 percent of



1 the poverty line and may be requested at con-
2 tribution levels based on the actual cost of serv-
3 ices, if”, and

4 (B) in paragraph (4)(E) by inserting “and
5 to supplement (not supplant) funds received
6 under this Act” after “given”.

7 (2) in subsection (c)(2) by striking “(with par-
8 ticular attention to low income minority individuals
9 and older individuals residing in rural areas)” and
10 inserting “(with particular attention to low-income
11 older individuals, including low-income minority
12 older individuals, older individuals with limited
13 English proficiency, and older individuals residing in
14 rural areas)”, and

15 (3) in subsection (d) by striking “with par-
16 ticular attention to low income minority individuals
17 and older individuals residing in rural areas” and in-
18 serting “, with particular attention to low-income
19 older individuals, including low-income minority
20 older individuals, older individuals with limited
21 English proficiency, and older individuals residing in
22 rural areas”.



1 **SEC. 20. SUPPORTIVE SERVICES AND SENIOR CENTERS**
2 **PROGRAM.**

3 Section 321(a) of the Older Americans Act of 1965
4 (42 U.S.C. 3030d(a)) is amended—

5 (1) in paragraph (8) by inserting “(including
6 mental health screening)” after “screening”,

7 (2) in paragraph (11) by inserting “(including
8 assistive technology devices and assistive technology
9 services)” after “services”,

10 (3) in paragraph (14)(B) by inserting “(includ-
11 ing mental health)” after “health”,

12 (4) in paragraph (22) by striking the period at
13 the end and inserting a semicolon,

14 (5) by redesignating paragraph (23) as para-
15 graph (24), and

16 (6) by inserting after paragraph (22) the fol-
17 lowing:

18 “(23) services designed to support States, area
19 agencies on aging, and local service providers carry
20 out and coordinate, with respect to mental health
21 services, activities including outreach, education,
22 screening, and referral for treatment of older indi-
23 viduals; and”.



1 **SEC. 21. NUTRITION SERVICE.**

2 After the heading of part C of title III of the Older
3 Americans Act of 1965 (42 U.S.C. 3030e–3030g–22), in-
4 sert the following:

5 **“SEC. 330. PURPOSE.**

6 “It is the purpose of this part to promote socializa-
7 tion and the health and well-being of older individuals by
8 assisting such individuals to gain access to disease preven-
9 tion and health promotion services (including information,
10 nutrition services, and programs of physical activity) to
11 delay the onset of health conditions resulting from poor
12 nutritional health or sedentary behavior.”.

13 **SEC. 22. CONGREGATE NUTRITION PROGRAM.**

14 Section 331 of the Older Americans Act of 1965 (42
15 U.S.C. 3030e) is amended—

16 (1) by striking “projects—” and inserting
17 “projects that—”,

18 (2) in paragraph (1) by striking “which”,

19 (3) in paragraph (2)—

20 (A) by striking “which”, and

21 (B) by striking “and” at the end,

22 (4) by striking paragraph (3) and inserting the
23 following:

24 “(3) provide nutrition education, nutrition
25 counseling, and other nutrition services, as appro-
26 priate, based on the needs of meal participants; and



1 “(4) may provide along with a meal described
2 in (1), a multivitamin-mineral supplement as an ad-
3 dition to such meal.”.

4 **SEC. 23. HOME DELIVERED NUTRITION SERVICES.**

5 Section 336 of the Older Americans Act of 1965 (42
6 U.S.C. 3030f) is amended to read as follows:

7 **“SEC. 336 PROGRAM AUTHORIZED.**

8 “The Assistant Secretary shall establish and carry
9 out a program to make grants to States under State plans
10 approved under section 307 for the establishment and op-
11 eration of nutrition projects for older individuals which
12 provide, on 5 or more days a week (except in a rural area
13 where such frequency is not feasible (as defined by the
14 Assistant Secretary by rule) and a lesser frequency is ap-
15 proved by the State agency)—

16 “(1) at least 1 home delivered meal per day
17 consisting of hot, cold, frozen, dried, canned, fresh,
18 or supplemental foods and any additional meals that
19 the recipient of a grant or contract under this sub-
20 part elects to provide; and

21 “(2) nutrition education, nutrition counseling,
22 and other nutrition services as appropriate, based on
23 the needs of meal recipients.”.



1 **SEC. 24. CRITERIA.**

2 Section 337 of the Older Americans Act of 1965 (42
3 U.S.C. 3030g) is amended to read as follows:

4 **“SEC. 337. CRITERIA.**

5 “The Assistant Secretary, in consultation with ex-
6 perts in the field of nutrition science, dietetics, meal plan-
7 ning and food service management, and aging, shall de-
8 velop minimum criteria of efficiency and quality for the
9 furnishing of home delivered meal services for projects de-
10 scribed in section 336.”.

11 **SEC. 25. NUTRITION.**

12 Section 339 of the Older Americans Act of 1965 (42
13 U.S.C. 3030g–21) is amended—

14 (1) by amending paragraph (1) to read as fol-
15 lows:

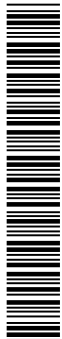
16 “(1) solicit the expertise of a dietitian or other
17 individual with equivalent education and training in
18 nutrition science, or if such an individual is not
19 available, an individual with comparable expertise in
20 the planning of nutritional services, and”, and

21 (2) in paragraph (2)—

22 (A) in subparagraph (A)—

23 (i) by amending clause (i) to read as
24 follows:

25 “(i) comply with the most recent Die-
26 tary Guidelines for Americans, published



1 by the Secretary and the Secretary of Ag-
2 riculture, and”, and

3 (ii) in clause (ii) by striking “daily
4 recommended dietary allowances as” and
5 inserting “dietary reference intakes”,

6 (B) in subparagraph (D)—

7 (i) by inserting “joint” after “encour-
8 ages”, and

9 (ii) by inserting “shared” after “pro-
10 mote”,

11 (C) by amending subparagraph (G) to read
12 as follows:

13 “(G) ensures that local meal providers so-
14 licit the advice and expertise of—

15 “(i) a dietitian or, if a dietitian is not
16 available, an individual with comparable
17 expertise in the planning of nutrition and
18 food services,

19 “(ii) meal participants, and

20 “(iii) other individuals knowledgeable
21 with regard to the needs of older individ-
22 uals,”,

23 (D) by amending subparagraph (J) to read
24 as follows:



1 “(J) provide for nutrition screening and
2 nutrition education, and nutrition assessment
3 and counseling if appropriate.”, and
4 (E) in subparagraph (H) by striking “and
5 accompany”.

6 **SEC. 26. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

7 Section 372 of the National Family Support Care-
8 giver Act (42 U.S.C. 3030s) is amended—

9 (1) in paragraph (1) by inserting “or who is an
10 individual with a disability” after “age”,

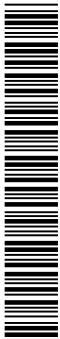
11 (2) in paragraph (2) by inserting “or an indi-
12 vidual with Alzheimer’s disease or a related disorder
13 with neurological and organic brain dysfunction” be-
14 fore the period at the end, and

15 (3) in paragraph (3) by striking “60” and in-
16 serting “55”.

17 **SEC. 27. CAREGIVER SUPPORT PROGRAM.**

18 Section 373 of the National Family Support Care-
19 giver Act (42 U.S.C. 3030s–1) is amended—

20 (1) in subsection by (b)(3) by striking “care-
21 givers to assist” and all that follows through the end
22 and inserting the following: “assist the caregivers in
23 addressing caregiver issues related to the areas of
24 health, nutrition, and financial literacy, and in mak-



1 ing decisions and solving problems relating to their
2 caregiving roles;”,

3 (2) by amending subsection (d) to read as fol-
4 lows:

5 “(d) USE OF VOLUNTEERS.—In carrying out this
6 subpart, each area agency on aging shall encourage the
7 use of trained volunteers to expand the available services
8 described in subsection (b) and shall, if possible, coordi-
9 nate with volunteer programs (including programs admin-
10 istered by the Corporation for National Service) designed
11 to provide training, placement, and stipends for volunteers
12 in community service settings.”,

13 (3) in subsection (e)(3) by inserting “The re-
14 ports shall describe any mechanisms used in the
15 State to provide family caregivers of an older indi-
16 vidual and relative caregivers of a child or an adult
17 child with a disability, information about and access
18 to various services so that caregivers can better
19 carry out their care responsibilities” after the period
20 at the end, and

21 (4) in subsection (f)(1) by striking “2001
22 through 2005” and inserting “2007, 2008, 2009,
23 2010, and 2011”.



1 **SEC. 28. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

2 Section 376(a) of the National Family Support Care-
3 giver Act (42 U.S.C. 3030s–12(a)) is amended—

4 (1) by striking “(a)”,

5 (2) by striking “shall” and inserting “may”,

6 (3) by striking “program” and inserting “pro-
7 grams that include”,

8 (4) by striking “research.” and inserting “re-
9 search, including—

10 “(1) intergenerational programs, including supports
11 for grandparents and other older relatives raising children
12 (such as kinship navigator programs), and sustaining and
13 replicating innovative intergenerational family support
14 programs that involve senior volunteers;

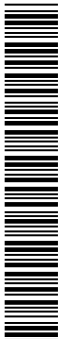
15 “(2) Programs providing support and information to
16 families who have a child with a disability or chronic ill-
17 ness and to other families in need of such family support
18 programs;

19 “(3) programs addressing unique issues faced by
20 rural caregivers;

21 “(4) programs focusing on the needs of older persons
22 with Alzheimer’s disease and related dementia and their
23 caregivers; and

24 “(5) programs supporting caregivers in the role they
25 play in health promotion and disease prevention.”.

26 (5) by striking subsection (b).



1 **SEC. 29. TITLE IV GRANT PROGRAMS.**

2 Section 411 of the Older Americans Act of 1965 (42
3 U.S.C. 3032) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (8) by striking “and” at
6 the end,

7 (B) by redesignating paragraph (9) as
8 paragraph (11), and

9 (C) by inserting after paragraph (8) the
10 following:

11 “(9) planning activities to prepare communities
12 for the aging of the population, which include—

13 “(A) efforts to assess the aging population;

14 “(B) activities to coordinate State and
15 local agencies in order to meet the needs of
16 older individuals; and

17 “(C) training and technical assistance to
18 support States, area agencies on aging, and
19 tribal organizations receiving a grant under title
20 VI, engage in community planning activities;
21 and

22 “(10) the development, implementation, and as-
23 sessment of technology-based service models and
24 best practices, to support the use of health moni-
25 toring and assessment technologies, communication
26 devices, assistive technologies, and other technologies



1 that may remotely connect family and professional
2 caregivers to frail elderly residing in home- and com-
3 munity-based settings or rural areas.”.

4 (2) in subsection (b) by striking “year” and all
5 that follows through “years”, and inserting “years
6 2007, 2008, 2009, 2010, and 2011”.

7 **SEC. 30. CAREER PREPARATION FOR THE FIELD OF AGING.**

8 Section 412(a) of the Older Americans Act of 1965
9 (42 U.S.C. 3032a(a)) is amended by amending subsection
10 (a) to read as follows:

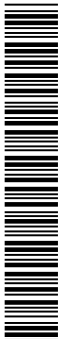
11 “(a) GRANTS.—The Assistant Secretary shall make
12 grants to institutions of higher education, including his-
13 torically Black colleges or universities, Hispanic serving
14 institutions, and Hispanic Centers of Excellence in Ap-
15 plied Gerontology, to provide education and training that
16 prepares students for careers in the field of aging.”.

17 **SEC. 31. HEALTH CARE SERVICE DEMONSTRATION**
18 **PROJECTS IN RURAL AREAS.**

19 Section 414 of the Older Americans Act of 1965 (42
20 U.S.C. 3032d) is amended—

21 (1) in subsection (a) by inserting “mental
22 health services,” after “care,” and

23 (2) in subsection (b)(1)(B)(i) by inserting
24 “mental health,” after “health,”.



1 **SEC. 32. DEMONSTRATION PROJECTS FOR**
2 **MULTIGENERATIONAL ACTIVITIES.**

3 Section 417(c)(2) of the Older Americans Act of
4 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking
5 “(with particular attention to low income minority individ-
6 uals and older individuals residing in rural areas)” and
7 inserting “(with particular attention to low-income older
8 individuals, including low-income minority older individ-
9 uals, older individuals with limited English proficiency,
10 and older individuals residing in rural areas)”.

11 **SEC. 33. NATIVE AMERICAN PROGRAMS.**

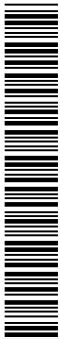
12 Section 418(a)(2)(B)(i) of the Older Americans Act
13 of 1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by in-
14 serting “(including mental health)” after “problems”.

15 **SEC. 34. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

16 Section 432(c)(2)(B) of the Older Americans Act of
17 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting
18 “, including preparing an analysis of such services,
19 projects, and programs, and of how the evaluation relates
20 to improvements in such services, projects, and programs
21 and in the strategic plan of the Administration” before
22 the period at the end.

23 **SEC. 35. COMMUNITY SERVICE EMPLOYMENT-BASED**
24 **TRAINING FOR OLDER AMERICANS.**

25 Title V of the Older Americans Act of 1965 (42
26 U.S.C. 3056 et seq.) is amended to read as follows:



1 **“TITLE V—COMMUNITY SERVICE**
2 **EMPLOYMENT-BASED TRAIN-**
3 **ING FOR OLDER AMERICANS**

4 **“SEC. 501. SHORT TITLE.**

5 “This title may be cited as the ‘Older American Com-
6 munity Service Employment-Based Training Act’.

7 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**
8 **PLOYMENT-BASED TRAINING PROGRAM.**

9 “(a) To foster individual economic self-sufficiency
10 and to increase the number of individuals who may enjoy
11 the benefits of unsubsidized employment in both the public
12 and private sectors, the Secretary of Labor (hereafter in
13 this title referred to as the ‘Secretary’) may establish an
14 older American community service employment-based
15 training program to foster and promote useful part-time
16 public and private-sector employment-based training op-
17 portunities for unemployed low-income eligible individuals
18 who have poor employment prospects and to provide vital
19 social and human services to communities by providing
20 work experience to eligible individuals in public agencies,
21 community-based and faith-based organizations.

22 “(b)(1) To carry out this title, the Secretary may
23 make grants to public and nonprofit agencies and organi-
24 zations, agencies of a State, and tribal organizations to
25 carry out the program established under subsection (a).

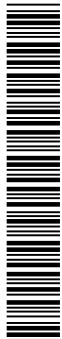


1 Such grants may provide for the payment of costs, as pro-
2 vided in subsection (c), of projects developed by such orga-
3 nizations and agencies in cooperation with the Secretary
4 in order to make such program effective or to supplement
5 such program. No payment shall be made by the Secretary
6 toward the cost of any project established or administered
7 by any organization or agency unless the Secretary deter-
8 mines that such project—

9 “(A) shall provide authorized activities only for
10 eligible individuals, and that not less than 50 per-
11 cent of hours worked (in the aggregate) shall be in
12 community service employment-based training pro-
13 vided by a grantee in a program year;

14 “(B)(i) shall provide authorized activities for el-
15 igible individuals in the community in which such in-
16 dividuals reside, or in nearby communities, and that
17 not less than 50 percent of hours worked (in the ag-
18 gregate) shall be in community service employment-
19 based training provided by a grantee in a program
20 year; or

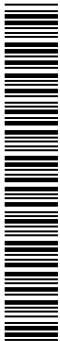
21 “(ii) if such project is carried out by a tribal or-
22 ganization that receives a grant under this sub-
23 section or receives assistance from a State that re-
24 ceives a grant under this subsection, will provide au-
25 thorized activities, including community service em-



1 ployment-based training for such individuals, includ-
2 ing those who are Indians residing on an Indian res-
3 ervation, as defined in section 2601(2) of the En-
4 ergy Policy Act of 1992 (25 U.S.C. 3501(2));

5 “(C) together with all the projects carried out
6 under this title in each program year by a grantee,
7 will not provide for participation under this title by
8 eligible individuals (in the aggregate) for an average
9 period per capita that exceeds 24 months (whether
10 or not consecutive) during the period including the
11 program year for which the determination under this
12 subparagraph is made and the previous program
13 years in which such grantee carried out projects
14 under this title;

15 “(D) will provide employment-based training to
16 eligible individuals in service related to publicly
17 owned and operated facilities and projects, or
18 projects sponsored by profitmaking or nonprofit or-
19 ganizations (excluding political parties exempt from
20 taxation under section 501(c)(3) of the Internal Rev-
21 enue Code of 1986), but excluding projects involving
22 the construction, operation, or maintenance of any
23 facility used or to be used as a place for sectarian
24 religious instruction or worship;



1 “(E) will contribute to the general welfare of
2 the community, which may include support for chil-
3 dren, youth, and families;

4 “(F) is intended to result in unsubsidized em-
5 ployment for eligible individuals after completion of
6 such program;

7 “(G)(i) will not reduce the number of job oppor-
8 tunities or vacancies that would otherwise be avail-
9 able to individuals not participating in such pro-
10 gram;

11 “(ii) will not displace currently employed work-
12 ers (including partial displacement, such as a reduc-
13 tion in the hours of non-overtime work, wages, or
14 employment benefits);

15 “(iii) will not impair existing contracts or result
16 in the substitution of Federal funds for other funds
17 in connection with work that would otherwise be per-
18 formed; and

19 “(iv) will not place an eligible individual in em-
20 ployment-based training to perform work the same
21 or substantially the same work as that performed by
22 any other individual who is on layoff;

23 “(H) will coordinate with training and other
24 services provided under title I of the Workforce In-
25 vestment Act, including utilizing the One-Stop deliv-



1 ery system to recruit eligible individuals to ensure
2 that the maximum number of eligible individuals will
3 have an opportunity to participate in the project;

4 “(I) will include such training (such as commu-
5 nity service employment-based training, work experi-
6 ence, on-the-job training, and classroom training) as
7 may be necessary to make the most effective use of
8 the skills and talents of those individuals who are
9 participating;

10 “(J) will ensure that safe and healthy condi-
11 tions of the employment-based training facility or
12 other training facility will be provided, and will en-
13 sure that individuals employed in community service
14 and other jobs assisted under this title shall be paid
15 wages that shall not be lower than whichever is the
16 highest of—

17 “(i) the minimum wage that would be ap-
18 plicable to the employee under the Fair Labor
19 Standards Act of 1938, if section 6(a)(1) of
20 such Act applied to the participant and if the
21 participant were not exempt under section 13
22 thereof;

23 “(ii) the State or local minimum wage for
24 the most nearly comparable covered employ-
25 ment; or



1 “(iii) the prevailing rates of pay for indi-
2 viduals employed in similar occupations by the
3 same employer;

4 “(K) will be established or administered with
5 the advice of persons competent in the field of serv-
6 ice in which job training is being provided, and of
7 persons who are knowledgeable about the needs of
8 older individuals;

9 “(L) will authorize payment for necessary sup-
10 portive services costs, (including transportation
11 costs) of eligible individuals that may be incurred in
12 training in any project funded under this title, in ac-
13 cordance with rules issued by the Secretary;

14 “(M) will ensure that, to the extent feasible,
15 such project will serve the needs of minority, limited
16 English-speaking, and Indian eligible individuals,
17 and eligible individuals who have the greatest eco-
18 nomic need, at least in proportion to their numbers
19 in the State and take into consideration their rates
20 of poverty and unemployment;

21 “(N)(i) will prepare an assessment of the par-
22 ticipants’ skills and talents and their needs for serv-
23 ices, except to the extent such project has, for the
24 participant involved, recently prepared an assess-
25 ment of such skills and talents, and such needs, pur-

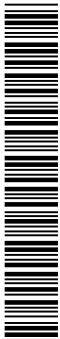


1 suant to another employment or training program
2 (such as a program under the Workforce Investment
3 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.
4 Perkins Vocational and Technical Education Act of
5 1998 (20 U.S.C. 2301 et seq.), or part A of title IV
6 of the Social Security Act (42 U.S.C. 601 et seq.));

7 “(ii) will provide training and employment
8 counseling to eligible individuals based on strategies
9 that identify appropriate employment objectives and
10 the need for supportive services, developed as a re-
11 sult of the assessment and service strategy provided
12 for in clause (i), and provide other appropriate infor-
13 mation regarding such program; and

14 “(iii) will provide counseling to participants on
15 their progress in meeting such objectives and satis-
16 fying their need for supportive services;

17 “(O) will provide appropriate services for par-
18 ticipants through the One-Stop delivery system as
19 established under section 134(c) of the Workforce
20 Investment Act of 1998 (29 U.S.C. 2864(c)), and
21 will be involved in the planning and operations of
22 such system pursuant to a memorandum of under-
23 standing with the local workforce investment board
24 in accordance with section 121(c) of such Act (29
25 U.S.C. 2841(c));



1 “(P) will post in such project workplace a no-
2 tice, and will make available to each person associ-
3 ated with such project a written explanation—

4 “(i) clarifying the law with respect to polit-
5 ical activities allowable and unallowable under
6 chapter 15 of title 5, United States Code, appli-
7 cable to the project and to each category of in-
8 dividuals associated with such project; and

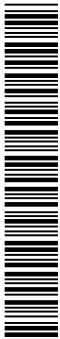
9 “(ii) containing the address and telephone
10 number of the Inspector General of the Depart-
11 ment of Labor, to whom questions regarding
12 the application of such chapter may be ad-
13 dressed;

14 “(Q) will provide to the Secretary the descrip-
15 tion and information described in—

16 “(i) paragraph (8), relating to coordination
17 with other Federal programs, of section 112(b)
18 of the Workforce and Investment Act of 1998;
19 and

20 “(ii) paragraph (14), relating to implemen-
21 tation of One-Stop delivery systems, of section
22 112(b) of the Workforce Investment Act of
23 1998; and

24 “(R) will ensure that entities that carry out ac-
25 tivities under the project (including State agencies,



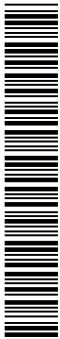
1 local entities, subgrantees, subcontractors) and affili-
2 ates of such entities receive an amount of the admin-
3 istrative cost allocation determined by the Secretary
4 to be sufficient.

5 “(2) The Secretary may establish, issue, and amend
6 such regulations as may be necessary to effectively carry
7 out this title.

8 “(3)(A) An assessment and service strategy required
9 by paragraph (1) to be prepared for an eligible individual
10 shall satisfy any condition for an assessment and service
11 strategy or individual employment plan for an adult par-
12 ticipant under subtitle B of title I of the Workforce Invest-
13 ment Act of 1998 (29 U.S.C. 2811 et seq.), in order to
14 determine whether such eligible individual also qualifies
15 for intensive or training services described in section
16 134(d) of such Act (29 U.S.C. 2864(d)).

17 “(B) An assessment and service strategy or indi-
18 vidual employment plan prepared under subtitle B of title
19 I of the Workforce Investment Act of 1998 (29 U.S.C.
20 2811 et seq.) for an eligible individual may be used to
21 comply with the requirement specified in subparagraph
22 (A).

23 “(c)(1) The Secretary may pay a share not to exceed
24 90 percent of the cost of any project for which a grant



1 is made under subsection (b), except that the Secretary
2 may pay all of such cost if such project is—

3 “(A) an emergency or disaster project; or

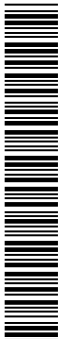
4 “(B) a project located in an economically de-
5 pressed area, as determined by the Secretary in con-
6 sultation with the Secretary of Commerce and the
7 Secretary of Health and Human Services.

8 “(2) The non-Federal share shall be in cash or in
9 kind. In determining the amount of the non-Federal share,
10 the Secretary may attribute fair market value to services
11 and facilities contributed from non-Federal sources.

12 “(3) Of the amount to be paid under this subsection
13 by the Secretary for a project, not to exceed 13.5 percent
14 shall be available for any fiscal year to pay the administra-
15 tive costs of such project, except that—

16 “(A) the Secretary may increase the amount
17 available to pay administrative costs to an amount
18 not to exceed 15 percent of the cost of such project
19 if the Secretary determines, based on information
20 submitted by the grantee under subsection (b), that
21 such increase is necessary to carry out such project;
22 and

23 “(B) if the grantee under subsection (b) dem-
24 onstrates to the Secretary that—



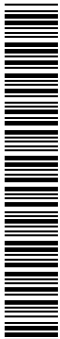
1 “(i) major administrative cost increases
2 are being incurred in necessary program compo-
3 nents, including liability insurance, payments
4 for workers’ compensation, costs associated
5 with achieving unsubsidized placement goals,
6 and other operation requirements imposed by
7 the Secretary;

8 “(ii) the number of positions in the project
9 or the number of minority eligible individuals
10 participating in the project will decline if the
11 amount available to pay administrative costs is
12 not increased; or

13 “(iii) the size of the project is so small that
14 the amount of administrative costs incurred to
15 carry out the project necessarily exceeds 13.5
16 percent of the cost of such project;

17 the Secretary shall increase the amount available for
18 such fiscal year to pay administrative costs to an
19 amount not to exceed 15 percent of the cost of such
20 project.

21 “(4) Administrative costs are the costs, both per-
22 sonnel and non-personnel and both direct and indirect, as-
23 sociated with the following:



1 “(A) The costs of performing general adminis-
2 trative functions and of providing for the coordina-
3 tion of functions, such as—

4 “(i) accounting, budgeting, financial, cash
5 management and related data processing;

6 “(ii) quality assurance;

7 “(iii) preparing program plans;

8 “(iv) procurement and purchasing;

9 “(v) property management;

10 “(vi) personnel management, including
11 personnel administration, administration of af-
12 firmative action plans, and training and staff
13 development;

14 “(vii) administrative salaries, including
15 clerical and other support staff salaries;

16 “(viii) payroll functions;

17 “(ix) coordinating the resolution of find-
18 ings arising from audits, reviews, investigations,
19 and incident reports;

20 “(x) audit;

21 “(xi) general legal services;

22 “(xii) developing systems and procedures,
23 including information systems, required for ad-
24 ministrative functions;

25 “(xiii) preparing reports; and



1 “(xiv) other activities necessary for the
2 general administration of government funds and
3 associated programs.

4 “(B) The costs of performing oversight and
5 monitoring responsibilities.

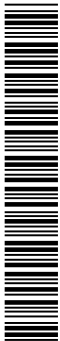
6 “(C) The costs of goods and services required
7 for administrative functions of such program, includ-
8 ing goods and services such as rental or purchase of
9 equipment, utilities, office supplies, postage, and
10 rental and maintenance of office space.

11 “(D) The travel costs incurred for official busi-
12 ness in carrying out such program, excluding travel
13 costs related to providing services.

14 “(E) The costs of information systems related
15 to personnel, procurement, purchasing, property
16 management, accounting, and payroll systems), in-
17 cluding the purchase, systems development, and op-
18 erating costs of such systems.

19 “(F) The costs of technical assistance, profes-
20 sional organization membership dues, removal of ar-
21 chitectural barriers, operating and maintaining as-
22 sistive technology, and evaluating program results
23 against stated objectives.

24 “(5) To the extent practicable, an entity that carries
25 out a project under this title shall provide for the payment



1 of the expenses described in paragraph (4) from non-Fed-
2 eral sources.

3 “(6)(A) Amounts made available for a project under
4 this title that are not used to pay for the administrative
5 costs shall be used to pay for the costs of programmatic
6 activities, including—

7 “(i) participant wages, such benefits as are re-
8 quired by law (such as workers compensation or un-
9 employment compensation) the costs of physical ex-
10 aminations, compensation for scheduled work hours
11 during which an employer is closed for a Federal
12 holiday, and necessary sick leave that is not part of
13 an accumulated sick leave program, except that no
14 amounts provided under this title may be used to
15 pay the cost of pension benefits, annual leave, accu-
16 mulated sick leave, or bonuses;

17 “(ii) participant training (including the pay-
18 ment of reasonable costs of instructors, classroom
19 rental, training supplies, materials, equipment, and
20 tuition) which may be provided prior to or subse-
21 quent to placement and which may be provided on
22 the job, in a classroom setting or pursuant to other
23 appropriate arrangements;

24 “(iii) job placement assistance, including job de-
25 velopment and job search assistance;



1 “(iv) participant supportive services to enable a
2 participant to successfully participate in a project
3 under this title, which may include the payment of
4 reasonable costs of transportation, special job-related
5 or personal counseling, incidentals (such as work
6 shoes, badges, uniforms, eyeglasses, and tools), child
7 and adult care, temporary shelter, and follow-up
8 services; and

9 “(v) outreach, recruitment, and selection, in-
10 take, orientation, and assessments.

11 “(B) Not less than 65 percent of the funds made
12 available under a grant made under this title (excluding
13 a grant made under subsection (d)) shall be used to pay
14 wages and benefits for eligible individuals who are em-
15 ployed under projects carried out under this title.

16 “(d) PILOT, DEMONSTRATION, AND EVALUATION
17 PROJECTS.—The Secretary shall use funds reserved under
18 section 506(a)(1) to carry out demonstration projects,
19 pilot projects, and evaluation projects, for the purpose of
20 developing and implementing techniques and approaches,
21 and demonstrating the effectiveness of the specialized
22 methods, in addressing the employment and training
23 needs of eligible individuals. Such projects may include—

24 “(1) activities linking businesses and eligible in-
25 dividuals, including assistance to participants



1 transitioning from subsidized activities to private-
2 sector employment; and

3 “(2) demonstration projects and pilot projects
4 designed to—

5 “(A) attract more eligible individuals into
6 the labor force;

7 “(B) improve the provision of services to
8 eligible individuals under the One-Stop delivery
9 system established in accordance with title I of
10 the Workforce Investment Act of 1998;

11 “(C) enhance the technological skills of eli-
12 gible individuals; and

13 “(D) provide incentives to grantees under
14 this title for exemplary performance and incen-
15 tives to businesses to promote their participa-
16 tion in the program under this title;

17 “(3) demonstration projects and pilot projects,
18 as described in paragraph (2), for older workers only
19 if such demonstration projects and pilot projects are
20 designed to assist in developing and implementing
21 techniques and approaches in addressing the employ-
22 ment and training needs of eligible individuals;

23 “(4) training and technical assistance to sup-
24 port any project funded under this title;

25 “(5) dissemination of best practices; and



1 “(6) evaluation of the activities authorized
2 under this title.

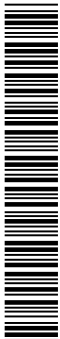
3 **“SEC. 503. ADMINISTRATION.**

4 “(a) STATE PLAN.—

5 “(1) CHIEF EXECUTIVE OFFICER SUBMITS
6 PLAN.—For a State to be eligible to receive an allot-
7 ment under section, 506, the chief executive officer
8 of the State shall submit to the Secretary for consid-
9 eration and approval, a single State plan (referred to
10 in this title as the ‘State plan’) that outlines a 3-
11 year strategy for the statewide provision of training
12 and related activities for eligible individuals under
13 this title. The plan shall contain such provisions as
14 the Secretary may require, consistent with this title,
15 including a description of the process used to ensure
16 the participation of individuals described in para-
17 graph (2).

18 “(2) RECOMMENDATIONS.—In developing the
19 State plan prior to its submission to the Secretary,
20 the chief executive officer of the State shall seek the
21 advice and recommendations of—

22 “(A) individuals representing the State
23 agency and the area agencies on aging in the
24 State, and the State and local workforce invest-
25 ment boards established under title I of the



1 Workforce Investment Act of 1998 (29 U.S.C.
2 2801 et seq.);

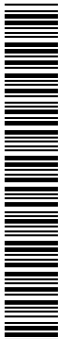
3 “(B) individuals representing public and
4 nonprofit private agencies and organizations
5 providing employment services, including each
6 grantee operating a project under this title in
7 the State; and

8 “(C) individuals representing social service
9 organizations providing services to older individ-
10 uals, grantees under title III of this Act, af-
11 fected communities, unemployed older individ-
12 uals, community-based organizations serving
13 the needs of older individuals, business organi-
14 zations, and labor organizations.

15 “(3) COMMENTS.—Any State plan submitted by
16 the chief executive officer in accordance with para-
17 graph (1) shall be accompanied by copies of public
18 comments relating to the plan received pursuant to
19 paragraph (4) and a summary thereof.

20 “(4) PLAN PROVISIONS.—The State plan shall
21 identify and address—

22 “(A) the relationship that the number of
23 eligible individuals in each area bears to the
24 total number of eligible individuals, respectively,
25 in the State;



1 “(B) the relative distribution of eligible in-
2 dividuals residing in rural and urban areas in
3 the State; and

4 “(C) the relative distribution of—

5 “(i) eligible individuals who are indi-
6 viduals with greatest economic need;

7 “(ii) eligible individuals who are mi-
8 nority individuals, including individuals
9 who are limited English proficient; and

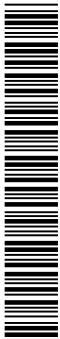
10 “(iii) eligible individuals who are indi-
11 viduals with greatest social need;

12 “(D) the current and projected employ-
13 ment opportunities in the State, by occupation,
14 and the type of skills possessed by local eligible
15 individuals;

16 “(E) the localities and populations for
17 which projects of the type authorized by this
18 title are most needed; and

19 “(F) plans for facilitating the coordination
20 of activities of grantees in the State under this
21 title with activities carried out in the State
22 under title I of the Workforce Investment Act
23 of 1998.

24 “(5) CHIEF EXECUTIVE OFFICER’S REC-
25 OMMENDATIONS ON GRANT PROPOSALS.—Before a



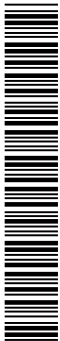
1 proposal for a grant under this title for any fiscal
2 year is submitted to the Secretary, the chief execu-
3 tive officer of each State in which projects are pro-
4 posed to be conducted under such grant shall be af-
5 forded a reasonable opportunity to submit rec-
6 ommendations to the Secretary—

7 “(A) regarding the anticipated effect of
8 each such proposal upon the overall distribution
9 of enrollment positions under this title in the
10 State (including such distribution among urban
11 and rural areas), taking into account the total
12 number of positions to be provided by all grant-
13 ees in the State;

14 “(B) any recommendations for redistribu-
15 tion of positions to under served areas as va-
16 cancies occur in previously encumbered posi-
17 tions in other areas; and

18 “(C) in the case of any increase in funding
19 that may be available for use in the State under
20 this title for any fiscal year, any recommenda-
21 tions for distribution of newly available posi-
22 tions in excess of those available during the pre-
23 ceding year to underserved areas.

24 “(6) DISRUPTIONS.—In developing plans and
25 considering recommendations under this subsection,



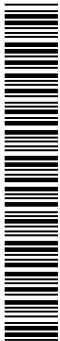
1 disruptions in the provision of services for current
2 participants shall be avoided to the greatest possible
3 extent.

4 “(7) DETERMINATION; REVIEW.—

5 “(A) DETERMINATION.—In order to effec-
6 tively carry out this title, each State shall make
7 the State plan available for public comment.
8 The Secretary, in consultation with the Assist-
9 ant Secretary, shall review the plan and make
10 a written determination with findings and a de-
11 cision regarding the plan.

12 “(B) REVIEW.—The Secretary may review,
13 on the Secretary’s own initiative or at the re-
14 quest of any public or private agency or organi-
15 zation or of any agency of the State, the dis-
16 tribution of projects and services under this
17 title in the State including the distribution be-
18 tween urban and rural areas in the State. For
19 each proposed reallocation of projects or serv-
20 ices in a State, the Secretary shall give notice
21 and opportunity for public comment.

22 “(8) EXEMPTION.—The grantees that serve eli-
23 gible individuals who are older Indians with funds
24 reserved under section 506(a)(3) may not be re-
25 quired to participate in the State planning processes



1 described in this section but will collaborate with the
2 Secretary to develop a plan for projects and services
3 to eligible individuals who are Indians.

4 “(b) COORDINATION WITH OTHER FEDERAL PRO-
5 GRAMS.—

6 “(1) The Secretary and the Assistant Secretary
7 shall coordinate the program carried out under this
8 title with programs carried out under other titles of
9 this Act, to increase job opportunities available to
10 older individuals.

11 “(2) The Secretary shall coordinate programs
12 carried out under this title with the program carried
13 out under the Workforce Investment Act of 1998,
14 the Community Services Block Grant Act, the Reha-
15 bilitation Act of 1973, the Carl D. Perkins Voca-
16 tional and Technical Education Act of 1998 (20
17 U.S.C. 2301 et seq.), the National and Community
18 Service Act of 1990 (42 U.S.C. 12501 et seq.), and
19 the Domestic Volunteer Service Act of 1973 (42
20 U.S.C. 4950 et seq.). The Secretary shall coordinate
21 the administration of this title with the administra-
22 tion of other titles of this Act by the Assistant Sec-
23 retary to increase the likelihood that eligible individ-
24 uals for whom employment opportunities under this
25 title are available and who need services under such



1 titles receive such services. Funds appropriated to
2 carry out this title may not be used to carry out any
3 program under the Workforce Investment Act of
4 1998, the Community Services Block Grant Act, the
5 Rehabilitation Act of 1973, the Carl D. Perkins Vo-
6 cational and Technical Education Act of 1998, the
7 National and Community Service Act of 1990, or
8 the Domestic Volunteer Service Act of 1973. The
9 preceding sentence shall not be construed to prohibit
10 carrying out projects under this title jointly with
11 programs, projects, or activities under any Act speci-
12 fied in such sentence, or from carrying out section
13 512.

14 “(3) The Secretary shall distribute to grantees
15 under this title, for distribution to program partici-
16 pants, and at no cost to grantees or participants, in-
17 formational materials developed and supplied by the
18 Equal Employment Opportunity Commission and
19 other appropriate Federal agencies that the Sec-
20 retary determines are designed to help participants
21 identify age discrimination and to understand their
22 rights under the Age Discrimination in Employment
23 Act of 1967.

24 “(c) In carrying out this title, the Secretary may use,
25 with their consent, the services, equipment, personnel, and



1 facilities of Federal and other agencies with or without
2 reimbursement, and on a similar basis to cooperate with
3 other public and private agencies and instrumentalities in
4 the use of services, equipment, and facilities.

5 “(d) Payments under this title may be made in ad-
6 vance or by way of reimbursement and in such install-
7 ments as the Secretary may determine.

8 “(e) The Secretary shall not delegate any function of
9 the Secretary under this title to any other Federal officer
10 or entity.

11 “(f)(1) The Secretary shall monitor projects for
12 which grants are made under this title to determine
13 whether the grantees are complying with rules and regula-
14 tions issued to carry out this title (including the statewide
15 planning, consultation, and coordination requirements of
16 this title).

17 “(2) Each grantee that receives funds under this title
18 shall comply with the applicable uniform cost principles
19 and appropriate administrative requirements for grants
20 and contracts that are applicable to the type of entity that
21 receives funds, as issued as circulars or rules of the Office
22 of Management and Budget.

23 “(3) Each grantee described in paragraph (2) shall
24 prepare and submit a report in such manner and con-



1 taining such information as the Secretary may require re-
2 garding activities carried out under this title.

3 “(4) Each grantee described in paragraph (2) shall
4 keep records that—

5 “(A) are sufficient to permit the preparation of
6 reports required by this title;

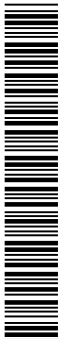
7 “(B) are sufficient to permit the tracing of
8 funds to a level of expenditure adequate to ensure
9 that the funds have not been spent unlawfully; and

10 “(C) contain any other information that the
11 Secretary determines to be appropriate.

12 “(g) The Secretary shall establish by rule and imple-
13 ment a process to evaluate, in accordance with section
14 513, the performance of projects and services carried out
15 under this title. The Secretary shall report to the Con-
16 gress, and make available to the public, the results of each
17 such evaluation and shall use such evaluation to improve
18 services delivered by, or the operation of, projects carried
19 out under this title.

20 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

21 “(a) Eligible individuals who are participants in au-
22 thorized activities in any project funded under this title
23 shall not be considered to be Federal employees as a result
24 of such participation and shall not be subject to part III
25 of title 5, United States Code.

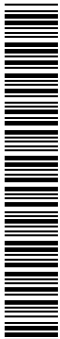


1 “(b) No grant, subgrant, contract or subcontract
2 shall be entered into under this title with an entity who
3 is, or whose employees are, under State law, exempted
4 from operation of the State workers’ compensation law,
5 generally applicable to employees unless the entity shall
6 undertake to provide either through insurance by a recog-
7 nized carrier or by self-insurance, as authorized by State
8 law, that the persons employed under the grant, contract,
9 subgrant, or subcontract shall enjoy workers’ compensa-
10 tion coverage equal to that provided by law for covered
11 employment.

12 **“SEC. 505. INTERAGENCY COOPERATION.**

13 “(a) The Secretary shall consult with and obtain the
14 written views of the Assistant Secretary before issuing
15 rules and before establishing general policy in the adminis-
16 tration of this title.

17 “(b) The Secretary shall consult and cooperate with
18 the Director of the Office of Community Services, the Sec-
19 retary of Health and Human Services, and the heads of
20 other Federal agencies that carry out related programs,
21 in order to achieve optimal coordination with such other
22 programs. In carrying out this section, the Secretary shall
23 promote programs or projects of a similar nature. Each
24 Federal agency shall cooperate with the Secretary in dis-
25 seminating information relating to the availability of as-



1 sistance under this title and in promoting the identifica-
2 tion and interests of individuals eligible for employment
3 in projects assisted under this title.

4 “(c)(1) The Secretary shall promote and coordinate
5 carrying out projects under this title jointly with pro-
6 grams, projects, or activities carried out under other Acts,
7 especially activities provided under the Workforce Invest-
8 ment Act of 1998 (29 U.S.C. 2801 et seq.), including ac-
9 tivities provided through One-Stop delivery systems estab-
10 lished under section 134(c) of such Act (29 U.S.C.
11 2864(c)), that provide training and employment opportu-
12 nities to eligible individuals.

13 “(2) The Secretary shall consult with the Secretary
14 of Education to promote and coordinate carrying out
15 projects under this title jointly with workforce investment
16 activities in which eligible individuals may participate that
17 are carried out under the Carl D. Perkins Vocational and
18 Technical Education Act of 1998.

19 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

20 “(a) RESERVATIONS.—

21 “(1) RESERVATION FOR NATIONAL ACTIVI-
22 TIES.—Of the funds appropriated to carry out this
23 title for each fiscal year, the Secretary may first re-
24 serve up to 1.5 percent to carry out demonstration



1 projects, pilot projects, and evaluation projects
2 under section 502(d).

3 “(2) RESERVATION FOR TERRITORIES.—Of the
4 funds appropriated to carry out this title for each
5 fiscal year, the Secretary shall reserve up to 0.75
6 percent, of which—

7 “(A) Guam, American Samoa, and the
8 United States Virgin Islands shall each receive
9 30 percent of the funds so reserved; and

10 “(B) the Commonwealth of the Northern
11 Mariana Islands shall receive 10 percent of the
12 funds so reserved.

13 “(3) RESERVATION FOR ORGANIZATIONS.—Of
14 the funds appropriated to carry out this title for
15 each fiscal year, the Secretary shall reserve such
16 amount as may be necessary to make national
17 grants to public or nonprofit national Indian aging
18 organizations with the ability to provide authorized
19 activities for eligible individuals who are Indians and
20 to national public or nonprofit Pacific Island and
21 Asian American aging organizations with the ability
22 to provide authorized activities for eligible individ-
23 uals who are Pacific Island and Asian Americans.

24 “(b) STATE ALLOTMENTS.—The allotment for each
25 State shall be the sum of the amounts allotted for national



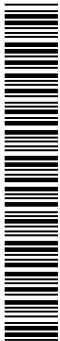
1 grants in such State under subsection (d) and for the
2 grant to such State under subsection (e).

3 “(c) DIVISION BETWEEN NATIONAL GRANTS AND
4 GRANTS TO STATES.—The funds appropriated to carry
5 out this title for any fiscal year that remain after amounts
6 are reserved under paragraphs (1), (2), and (3) of sub-
7 section (a), shall be divided by the Secretary between na-
8 tional grants and grants to States as follows:

9 “(1) RESERVATION OF FUNDS FOR FISCAL
10 YEAR 2006 LEVEL OF ACTIVITIES.—

11 “(A) The Secretary shall reserve the
12 amount of funds necessary to maintain the fis-
13 cal year 2006 level of activities supported by
14 grantees that operate under this title under na-
15 tional grants from the Secretary, and the fiscal
16 year 2006 level of activities supported by State
17 grantees under this title, in proportion to their
18 respective fiscal year 2006 levels of activities.

19 “(B) If in any fiscal year for which the
20 funds appropriated to carry out this title are in-
21 sufficient to satisfy the requirement specified in
22 subparagraph (A), then the amount described
23 in subparagraph (A) shall be reduced propor-
24 tionally.



1 “(2) FUNDING IN EXCESS OF FISCAL YEAR 2006
2 LEVEL OF ACTIVITIES.—

3 “(A) UP TO \$35,000,000.—The amount of
4 funds remaining after the application of para-
5 graph (1), but not to exceed \$35,000,000, shall
6 be divided so that 75 percent shall be provided
7 to State grantees and 25 percent shall be pro-
8 vided to grantees that operate under this title
9 under national grants from the Secretary.

10 “(B) OVER \$35,000,000.—The amount of
11 funds remaining (if any) after the application of
12 subparagraph (A) shall be divided so that 50
13 percent shall be provided to State grantees and
14 50 percent shall be provided to grantees that
15 operate under this title under national grants
16 from the Secretary.

17 “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From
18 funds available under subsection (c) for national grants,
19 the Secretary shall allot for public and nonprofit private
20 agency and organization grantees that operate under this
21 title under national grants from the Secretary in each
22 State, an amount that bears the same ratio to such funds
23 as the product of the number of individuals 55 years of
24 age or older in the State and the allotment percentage of



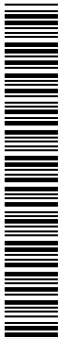
1 such State bears to the sum of the corresponding products
2 for all States, except as follows:

3 “(1) MINIMUM ALLOTMENT.—No State shall be
4 provided an amount under this subsection that is
5 less than $\frac{1}{2}$ of 1 percent of the amount provided
6 under subsection (c) for public and nonprofit private
7 agency and organization grantees that operate under
8 this title under national grants from the Secretary
9 in all of the States.

10 “(2) HOLD HARMLESS.—If the amount pro-
11 vided under subsection (c) is—

12 “(A) equal to or less than the amount nec-
13 essary to maintain the fiscal year 2006 level of
14 activities, allotments for grantees that operate
15 under this title under national grants from the
16 Secretary in each State shall be proportional to
17 their fiscal year 2006 level of activities; or

18 “(B) greater than the amount necessary to
19 maintain the fiscal year 2006 level of activities,
20 no State shall be provided a percentage increase
21 above the fiscal year 2006 level of activities for
22 grantees that operate under this title under na-
23 tional grants from the Secretary in the State
24 that is less than 30 percent of such percentage
25 increase above the fiscal year 2006 level of ac-



1 tivities for public and nonprofit private agency
2 and organization grantees that operate under
3 this title under national grants from the Sec-
4 retary in all of the States.

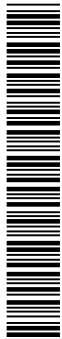
5 “(3) REDUCTION.—Allotments for States not
6 affected by paragraphs (1) and (2)(B) of this sub-
7 section shall be reduced proportionally to satisfy the
8 conditions in such paragraphs.

9 “(e) ALLOTMENTS FOR GRANTS TO STATES.—From
10 the amount provided for grants to States under subsection
11 (c), the Secretary shall allot for the State grantee in each
12 State an amount that bears the same ratio to such amount
13 as the product of the number of individuals 55 years of
14 age or older in the State and the allotment percentage of
15 such State bears to the sum of the corresponding product
16 for all States, except as follows:

17 “(1) MINIMUM ALLOTMENT.—No State shall be
18 provided an amount under this subsection that is
19 less than $\frac{1}{2}$ of 1 percent of the amount provided
20 under subsection (c) for State grantees in all of the
21 States.

22 “(2) HOLD HARMLESS.—If the amount pro-
23 vided under subsection (c) is—

24 “(A) equal to or less than the amount nec-
25 essary to maintain the fiscal year 2006 level of



1 activities, allotments for State grantees in each
2 State shall be proportional to their fiscal year
3 2006 level of activities; or

4 “(B) greater than the amount necessary to
5 maintain the fiscal year 2006 level of activities,
6 no State shall be provided a percentage increase
7 above the fiscal year 2006 level of activities for
8 State grantees in the State that is less than 30
9 percent of such percentage increase above the
10 fiscal year 2006 level of activities for State
11 grantees in all of the States.

12 “(3) REDUCTION.—Allotments for States not
13 affected by paragraphs (1) and (2)(B) of this sub-
14 section shall be reduced proportionally to satisfy the
15 conditions in such paragraphs.

16 “(f) ALLOTMENT PERCENTAGE.—For purposes of
17 subsections (d) and (e)—

18 “(1) the allotment percentage of each State
19 shall be 100 percent less that percentage that bears
20 the same ratio to 50 percent as the per capita in-
21 come of such State bears to the per capita income
22 of the United States, except that—

23 “(A) the allotment percentage shall be not
24 more than 75 percent and not less than 33 per-
25 cent; and



1 “(B) the allotment percentage for the Dis-
2 trict of Columbia and the Commonwealth of
3 Puerto Rico shall be 75 percent;

4 “(2) the number of individuals 55 years of age
5 or older in any State and in all States, and the per
6 capita income in any State and in all States, shall
7 be determined by the Secretary on the basis of the
8 most satisfactory data available to the Secretary;
9 and

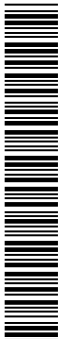
10 “(3) for the purpose of determining the allot-
11 ment percentage, the term ‘United States’ means
12 the 50 States and the District of Columbia.

13 “(g) DEFINITIONS.—For purposes of this section:

14 “(1) COST PER AUTHORIZED POSITION.—The
15 term ‘cost per authorized position’ means the sum
16 of—

17 “(A) the hourly minimum wage rate speci-
18 fied in section 6(a)(1) of the Fair Labor Stand-
19 ards Act of 1938 (29 U.S.C. 206(a)(1)), multi-
20 plied by the number of hours equal to the prod-
21 uct of 21 hours and 52 weeks;

22 “(B) an amount equal to 11 percent of the
23 amount specified under subparagraph (A), for
24 the purpose of covering Federal payments for
25 fringe benefits; and



1 “(C) an amount determined by the Sec-
2 retary, for the purpose of covering Federal pay-
3 ments for the remainder of all other program
4 and administrative costs.

5 “(2) FISCAL YEAR 2006 LEVEL OF ACTIVI-
6 TIES.—The term ‘fiscal year 2006 level of activities’
7 means—

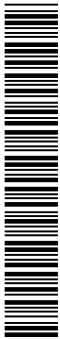
8 “(A) with respect to public and nonprofit
9 private agency and organization grantees that
10 operate under this title under national grants
11 from the Secretary, their level of activities for
12 fiscal year 2006; and

13 “(B) with respect to State grantees, their
14 level of activities for fiscal year 2006.

15 “(3) GRANTS TO STATES.—The term ‘grants to
16 States’ means grants made under this title by the
17 Secretary to the States.

18 “(4) LEVEL OF ACTIVITIES.—The term ‘level of
19 activities’ means the number of authorized positions
20 multiplied by the cost per authorized position.

21 “(5) NATIONAL GRANTS.—The term ‘national
22 grants’ means grants made under this title by the
23 Secretary to public and nonprofit private agency and
24 organization grantees that operate under this title
25 under national grants from the Secretary.



1 “(6) STATE.—The term ‘State’ does not include
2 Guam, American Samoa, the Commonwealth of the
3 Northern Mariana Islands, and the United States
4 Virgin Islands.

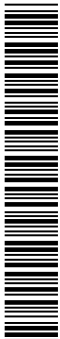
5 **“SEC. 507. EQUITABLE DISTRIBUTION.**

6 “(a) INTERSTATE ALLOCATION.—In making grants
7 under section 506, the Secretary shall ensure, to the ex-
8 tent feasible, an equitable distribution of activities under
9 such grants, in the aggregate, among the States, taking
10 into account the needs of underserved States.

11 “(b) INTRASTATE ALLOCATION.—The amount allo-
12 cated for projects within each State under section 506
13 shall be allocated among areas in the State in an equitable
14 manner, taking into consideration the State priorities set
15 out in the State plan in effect under section 503(a).

16 **“SEC. 508. REPORT.**

17 “To carry out the Secretary’s responsibilities for re-
18 porting in section 503(g), the Secretary shall require the
19 State agency for each State that receives funds under this
20 title to prepare and submit a report at the beginning of
21 each fiscal year on such State’s compliance with section
22 507(b). Such report shall include the names and geo-
23 graphic location of all projects assisted under this title and
24 carried out in the State and the amount allocated to each
25 such project under section 506.



1 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**
2 **ING AND FOOD STAMP PROGRAMS.**

3 “Funds received by eligible individuals from projects
4 carried out under the program established in this title
5 shall not be considered to be income of such individuals
6 for purposes of determining the eligibility of such individ-
7 uals, or of any other individuals, to participate in any
8 housing program for which Federal funds may be available
9 or for any income determination under the Food Stamp
10 Act of 1977.

11 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**
12 **TIVITIES.**

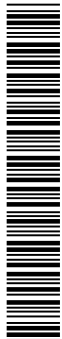
13 “Eligible individuals under this title may be consid-
14 ered by local workforce investment boards established
15 under title I of the Workforce Investment Act of 1998 to
16 satisfy the requirements for receiving services under such
17 title I that are applicable to adults.

18 **“SEC. 511. TREATMENT OF ASSISTANCE.**

19 “Assistance provided under this title shall not be con-
20 sidered to be financial assistance described in section
21 245A(h)(1)(A) of the Immigration and Nationality Act (8
22 U.S.C. 1255A(h)(1)(A)).

23 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**
24 **MENT ACT OF 1998.**

25 “(a) PARTNERS.—Grantees under this title shall be
26 One-Stop partners as described in subparagraphs (A) and



1 (B)(vi) of section 121(b)(1) of the Workforce Investment
2 Act of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop deliv-
3 ery system established under section 134(c) of such Act
4 (29 U.S.C. 2864(c)) for the appropriate local workforce
5 investment areas, and shall carry out the responsibilities
6 relating to such partners.

7 “(b) COORDINATION.—In local workforce investment
8 areas where more than 1 grantee under this title provides
9 services, the grantees shall—

10 “(1) coordinate their activities related to the
11 One-Stop delivery system; and

12 “(2) shall be signatories of the memorandum of
13 understanding established under section 121(c) of
14 the Workforce Investment Act of 1998 (29 U.S.C.
15 2841(c)).

16 **“SEC. 513. PERFORMANCE.**

17 “(a) MEASURES.—

18 “(1) ESTABLISHMENT OF MEASURES.—The
19 Secretary shall establish, in consultation with grant-
20 ees, subgrantees, and host agencies under this title,
21 States, older individuals, area agencies on aging, and
22 other organizations serving older individuals, per-
23 formance measures for each grantee for projects and
24 services carried out under this title.

25 “(2) CONTENT.—



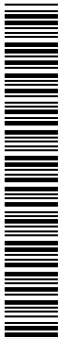
1 “(A) COMPOSITION OF MEASURES.—The
2 performance measures established by the Sec-
3 retary in accordance with paragraph (1) shall
4 consist of—

5 “(i) core indicators of performance
6 specified in subsection (b)(1) and the ex-
7 pected levels of performance applicable to
8 each core indicator of performance, and

9 “(ii) additional indicators of perform-
10 ance specified in subsection (b)(2)

11 “(B) CONTINUOUS IMPROVEMENT.—The
12 measures described in subparagraph (A)(i) shall
13 be designed to promote continuous improvement
14 in performance.

15 “(C) EXPECTED LEVELS OF PERFORM-
16 ANCE.—The Secretary and each grantee shall
17 reach agreement on the expected levels of per-
18 formance for each program year for each of the
19 core indicators of performance specified in sub-
20 section (b)(1). The agreement shall take into
21 account the factors described in subparagraphs
22 (B) and (D) and other appropriate factors as
23 determined by the Secretary, and shall be con-
24 sistent with the requirements of subparagraph



1 (E). Funds under the grant may not be award-
2 ed until such agreement is reached.

3 “(D) ADJUSTMENT.—The expected levels
4 of performance described in subparagraph (C)
5 applicable to a grantee shall be adjusted after
6 the agreement under subparagraph (C) has
7 been reached only with respect to the following
8 factors:

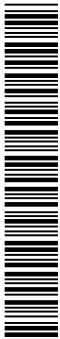
9 “(i) High rates of unemployment or of
10 poverty or welfare participation, in the
11 areas served by a grantee, relative to other
12 areas of the State or Nation.

13 “(ii) Significant downturns in the
14 areas served by the grantee or in the na-
15 tional economy.

16 “(iii) Significant numbers or propor-
17 tions of participants with 1 or more bar-
18 riers to employment (including those listed
19 in section 516(2)(A)(ii)) served by a grant-
20 ee relative to grantees serving other areas
21 of the State or Nation.

22 “(iv) Changes in Federal, State, or
23 local minimum wage requirements.

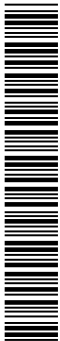
24 “(E) PLACEMENT.—



1 “(i) LEVEL OF PERFORMANCE.—For
2 all grantees, the Secretary shall establish a
3 level of performance of not less than the
4 percentage specified in clause (ii) (adjusted
5 in accordance with subparagraph (D)) for
6 the entry into unsubsidized employment
7 core indicator of performance described in
8 subsection (b)(1)(A). If a grantee achieved
9 a level of performance less than the per-
10 centage specified in such clause for the
11 preceding fiscal year for which results are
12 available before the enactment of the Sen-
13 ior Independence Act of 2006, the Sec-
14 retary shall provide technical assistance to
15 assist such grantee to achieve the applica-
16 ble percentage specified in such clause.

17 “(ii) REQUIRED PLACEMENT PER-
18 CENTAGES.—The minimum percentage for
19 the entry into unsubsidized employment
20 ~~(including those listed in section~~
21 ~~516(2)(A)(ii))~~ described in subsection
22 (b)(1)(A) is—

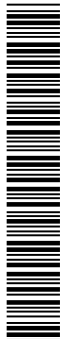
23 “(I) 22 percent in fiscal year
24 2007;



1 “(II) 24 percent in fiscal year
2 2008;
3 “(III) 26 percent in fiscal year
4 2009;
5 “(IV) 28 percent in fiscal year
6 2010; and
7 “(V) 30 percent in fiscal year
8 2011.

9 “(3) PERFORMANCE EVALUATION OF GRANT-
10 EES.—The Secretary shall annually establish na-
11 tional performance measures for each grantee under
12 this title, which shall be applicable to the grantee
13 without regard to whether such grantee operates
14 such program directly or through contracts, grants,
15 or agreements with other entities. The measures
16 shall include the core indicators of performance and
17 expected level of performance for each such indi-
18 cator, and the additional indicators of performance.
19 In addition, the Secretary shall annually publish the
20 actual performance of each grantee with respect
21 to—

22 “(A) the levels achieved for each of the
23 core indicators of performance, compared to ex-
24 pected levels of performance under paragraph
25 (2)(C) (including any adjustments to such levels



1 made in accordance with to paragraph (2)(D));
2 and

3 “(B) the levels achieved for each of the ad-
4 ditional indicators of performance.

5 “(4) LIMITATION.—An agreement to be evalu-
6 ated on the performance measures shall be a re-
7 quirement for application for, and a condition of, all
8 grants authorized by this title.

9 “(b) INDICATORS OF PERFORMANCE.—

10 “(1) CORE INDICATORS.—The core indicators
11 of performance described in subsection (a)(2)(A)(i)
12 shall consist of—

13 “(A) entry into unsubsidized employment;

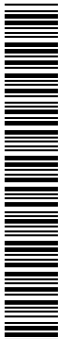
14 “(B) retention in unsubsidized employment
15 for 6 months;

16 “(C) earnings; and

17 “(D) hours (in the aggregate) of commu-
18 nity service employment-based training pursu-
19 ant to subparagraphs (A) and (B)(i) of section
20 502(b)(1); and

21 “(2) ADDITIONAL INDICATORS.—The additional
22 indicators of performance described in subsection
23 (a)(2)(A)(ii) shall consist of—

24 “(A) retention in unsubsidized employment
25 for 1 year;



1 “(B) the number of eligible individuals
2 served, including the number of participating
3 individuals described in section 516(2)(A)(ii),
4 and

5 “(C) any other indicators of performance
6 that the Secretary determines to be appropriate
7 to evaluate services and performance.

8 “(c) DEFINITIONS OF INDICATORS.—

9 “(1) IN GENERAL.—The Secretary, after con-
10 sultation with national and State grantees, rep-
11 resentatives of business and labor organizations, and
12 providers of services, shall issue rules that define the
13 indicators of performance described in subsection
14 (b).

15 “(d) CORRECTIVE EFFORTS.—

16 “(1) NATIONAL GRANTEES.—

17 “(A) IN GENERAL.—Not later than 120
18 days after the end of each program year, the
19 Secretary shall determine if a national grantee
20 awarded a grant under section 514 has met the
21 expected levels of performance established
22 under subsection (a)(2)(C) (including any ad-
23 justments to such levels made in accordance
24 with to subsection (a)(2)(D)) for the core indi-



1 cators of performance described in subsection
2 (b)(1).

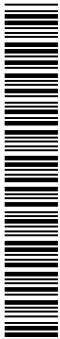
3 “(B) TECHNICAL ASSISTANCE AND COR-
4 RECTIVE ACTION PLAN.—

5 “(i) IN GENERAL.—If the Secretary
6 determines that a grantee fails to meet the
7 expected levels of performance described in
8 paragraph (1), the Secretary shall provide
9 technical assistance and require such
10 grantee to submit a corrective action plan
11 not later than 160 days after the end of
12 the program year.

13 “(ii) CONTENT.—The plan submitted
14 under subparagraph (A) shall detail the
15 steps the grantee will take to meet the na-
16 tional performance measures in the next
17 program year.

18 “(2) STATE GRANTEEES.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the end of the program year, the
21 Secretary shall determine if a State grantee al-
22 lotted funds under section 506(e) has met the
23 expected levels of performance established
24 under subsection (a)(2)(C) (including any ad-
25 justments to such levels made in accordance



1 with to subsection (a)(2)(D)) for the core indi-
2 cators of performance described in subsection
3 (b)(1).

4 “(B) TECHNICAL ASSISTANCE AND COR-
5 RECTIVE ACTION PLAN.—If a State fails to
6 meet the levels of performance described in sub-
7 paragraph (A), the Secretary shall provide tech-
8 nical assistance and require the State to submit
9 a corrective action plan not later than 160 days
10 after the end of the program year.

11 “(C) CONTENT.—The plan described in
12 subparagraph (B) shall detail the steps the
13 State will take to meet the standards.

14 “(D) FAILURE TO MEET PERFORMANCE
15 MEASURES FOR SECOND AND THIRD YEARS.—

16 “(i) AFTER SECOND YEAR OF FAIL-
17 URE.—If a State fails to meet the levels of
18 performance described in subparagraph
19 (A) for a second consecutive program year,
20 the Secretary shall provide for the conduct
21 by the State of a competition to award, for
22 the first full program year following the
23 determination (minimizing, to the extent
24 possible, the disruption of services provided
25 to participants), an amount equal to 25



1 percent of the funds available to the State
2 for such year.

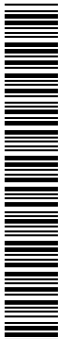
3 “(ii) AFTER THIRD YEAR OF FAIL-
4 URE.—If the State fails to meet the levels
5 of performance described in subparagraph
6 (A) for a third consecutive program year,
7 the Secretary shall provide for the conduct
8 by the State of a competition to award the
9 funds allocated to the State for the first
10 full program year following the Secretary’s
11 determination that the State has not met
12 the performance measures.

13 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**
14 **GRANT AWARDS.**

15 “(a) PROGRAM AUTHORIZED.—From the funds avail-
16 able for national grants under section 506(d), the Sec-
17 retary shall award grants to eligible applicants to carry
18 out projects under this title through a competitive process
19 that is conducted every 3 years.

20 “(b) ELIGIBLE APPLICANTS.—An applicant shall be
21 eligible to receive a grant under subsection (a) in accord-
22 ance with section 502(b)(1), and subsections (c) and (d).

23 “(c) CRITERIA.—The Secretary shall select the eligi-
24 ble applicants to receive grants under subsection (a) based
25 on the following:



1 “(1) The applicant’s ability to administer a pro-
2 gram that serves the greatest number of eligible in-
3 dividuals, giving particular consideration to individ-
4 uals with greatest economic need, greatest social
5 need, poor employment history or prospects, and
6 over the age of 65.

7 “(2) The applicant’s ability to administer a pro-
8 gram that provides employment for eligible individ-
9 uals in the communities in which such individuals
10 reside, or in nearby communities, that will con-
11 tribute to the general welfare of the community.

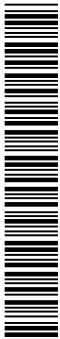
12 “(3) The applicant’s ability to administer a pro-
13 gram that moves eligible individuals into unsub-
14 sidized employment.

15 “(4) The applicant’s prior performance, if any,
16 in meeting performance measures under this title
17 and under other Federal or State programs.

18 “(5) The applicant’s ability to move individuals
19 with multiple barriers to employment into unsub-
20 sidized employment.

21 “(6) The applicant’s ability to coordinate with
22 other organizations at the State and local level.

23 “(7) The applicant’s plan for fiscal manage-
24 ment of the program to be administered with funds
25 received under this section.



1 “(8) Any additional criteria that the Secretary
2 considers to be appropriate in order to minimize dis-
3 ruption for current participants.

4 “(d) RESPONSIBILITY TESTS.—

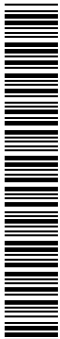
5 “(1) IN GENERAL.—Before final selection of a
6 grantee, the Secretary shall conduct a review of
7 available records to assess the applicant’s overall re-
8 sponsibility to administer Federal funds.

9 “(2) REVIEW.—As part of the review described
10 in paragraph (1), the Secretary may consider any in-
11 formation, including the organization’s history with
12 regard to the management of other grants.

13 “(3) FAILURE TO SATISFY TEST.—The failure
14 to satisfy any 1 responsibility test that is listed in
15 paragraph (4), excluding those listed in subpara-
16 graphs (A) and (B), does not establish that the or-
17 ganization is not responsible unless such failure is
18 substantial or persists for 2 or more consecutive
19 years.

20 “(4) TEST.—The responsibility tests include re-
21 view of the following factors:

22 “(A) Unsuccessful efforts by the organiza-
23 tion to recover debts, after 3 demand letters
24 have been sent, that are established by final



1 agency action, or a failure to comply with an
2 approved repayment plan.

3 “(B) Established fraud or criminal activity
4 of a significant nature within the organization.

5 “(C) Serious administrative deficiencies
6 identified by the Secretary, such as failure to
7 maintain a financial management system as re-
8 quired by Federal rules or regulations.

9 “(D) Willful obstruction of the audit proc-
10 ess.

11 “(E) Failure to provide services to appli-
12 cants as agreed to in a current or recent grant
13 or to meet applicable performance measures.

14 “(F) Failure to correct deficiencies
15 brought to the grantee’s attention in writing as
16 a result of monitoring activities, reviews, assess-
17 ments, or other activities.

18 “(G) Failure to return a grant closeout
19 package or outstanding advances within 90
20 days of the grant expiration date or receipt of
21 closeout package, whichever is later, unless an
22 extension has been requested and granted.

23 “(H) Failure to submit required reports.



1 “(I) Failure to properly report and dispose
2 of Government property as instructed by the
3 Secretary.

4 “(J) Failure to have maintained effective
5 cash management or cost controls resulting in
6 excess cash on hand.

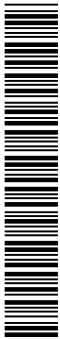
7 “(K) Failure to ensure that a subrecipient
8 complies with its Office of Management and
9 Budget Circular A-133 audit requirements
10 specified at section 667.200(b) of title 20, Code
11 of Federal Regulations.

12 “(L) Failure to audit a subrecipient within
13 the required period.

14 “(M) Final disallowed costs in excess of 5
15 percent of the grant or contract award if, in the
16 judgment of the grant officer, the disallowances
17 are egregious findings.

18 “(N) Failure to establish a mechanism to
19 resolve a subrecipient’s audit in a timely fash-
20 ion.

21 “(5) DETERMINATION.—Applicants that are de-
22 termined to be not responsible shall not be selected
23 as grantees.



1 “(6) **DISALLOWED COSTS.**—Interest on dis-
2 allowed costs shall accrue in accordance with the
3 Debt Collection Improvement Act of 1996.

4 **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

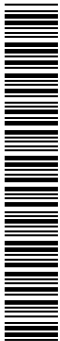
5 “(a) There is authorized to be appropriated to carry
6 out this title such sums as may be necessary for fiscal
7 years 2007, 2008, 2009, 2010, and 2011.

8 “(b) Amounts appropriated under this section for any
9 fiscal year shall be available for obligation during the an-
10 nual period that begins on July 1 of the calendar year
11 immediately following the beginning of such fiscal year
12 and that ends on June 30 of the following calendar year.
13 The Secretary may extend the period during which such
14 amounts may be obligated or expended in the case of a
15 particular organization or agency that receives funds
16 under this title if the Secretary determines that such ex-
17 tension is necessary to ensure the effective use of such
18 funds by such organization or agency.

19 “(c) At the end of the program year, the Secretary
20 may recapture any unexpended funds for the program
21 year, and reobligate such funds within the 2 succeeding
22 program years for—

23 “(1) technical assistance; or

24 “(2) grants or contracts for any other program
25 under this title.



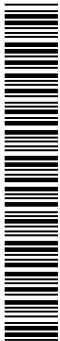
1 **“SEC. 516. DEFINITIONS.**

2 “For purposes of this title:

3 “(1) COMMUNITY SERVICE EMPLOYMENT-BASED
4 TRAINING.—The term ‘community service employ-
5 ment-based training’ means work experience that is
6 related to providing social, health, welfare, and edu-
7 cational services (including literacy tutoring), legal
8 and other counseling services and assistance, includ-
9 ing tax counseling and assistance and financial
10 counseling, and library, recreational, and other simi-
11 lar services; conservation, maintenance, or restora-
12 tion of natural resources; community betterment or
13 beautification; antipollution and environmental qual-
14 ity efforts; weatherization activities; economic devel-
15 opment; and such other services essential and nec-
16 essary to the community as the Secretary determines
17 by rule.

18 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
19 individual’ means an individual who is 55 years of
20 age or older and who has a low income (including
21 any such individual whose income is not more than
22 125 percent of the poverty line), but—

23 “(A) pursuant to regulations prescribed by
24 the Secretary, any such individual who meets
25 one or more of the following criteria shall have



1 priority for the work opportunities provided
2 under this title—

3 “(i) is 65 years of age or older; or

4 “(ii) has one or more of the following
5 barriers to employment:

6 “(I) has a disability;

7 “(II) has limited English pro-
8 ficiency or low literacy skills;

9 “(III) resides in a rural area;

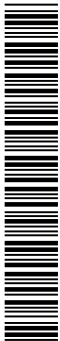
10 “(IV) is a veteran;

11 “(V) has low employment pros-
12 pects; or

13 “(VI) has failed to find employ-
14 ment after utilizing services provided
15 under title I of the Workforce Invest-
16 ment Act of 1998; and

17 “(B) notwithstanding any other provision
18 of this paragraph, excludes—

19 “(i) an individual who has partici-
20 pated in projects under this title for a pe-
21 riod of 48 months in the aggregate (wheth-
22 er or not consecutive) after the date of the
23 enactment of the Senior Independence Act
24 of 2006; and

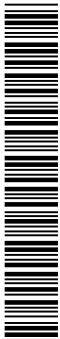


1 “(ii) an individual who has partici-
2 pated in projects under this title for a pe-
3 riod of 24 months in the aggregate (wheth-
4 er or not consecutive) after the date of the
5 enactment of the Senior Independence Act
6 of 2006 if such individual participated
7 more than 24 months in the aggregate
8 (whether or not consecutive) under title V
9 of this Act, as in effect before the date of
10 the enactment of the Senior Independence
11 Act of 2006.

12 “(3) PACIFIC ISLAND AND ASIAN AMERICANS.—
13 The term ‘Pacific Island and Asian Americans’
14 means Americans having origins in any of the origi-
15 nal peoples of the Far East, Southeast Asia, the In-
16 dian Subcontinent, or the Pacific Islands.

17 “(4) PROGRAM.—The term ‘program’ means
18 the older American community service employment-
19 based training program established under this title.

20 “(5) SUPPORTIVE SERVICES.—The term ‘sup-
21 portive services’ means services such as transpor-
22 tation, child care, dependent care, housing, and
23 needs-related payments, that are necessary to enable
24 an individual to participate in activities authorized



1 under this title, consistent with the provisions of this
2 title.

3 “(6) UNEMPLOYED INDIVIDUAL.—The term
4 ‘unemployed individual’ means an individual who is
5 without a job and who wants and is available for
6 work, including an individual who may have occa-
7 sional employment that does not result in a constant
8 source of income.”.

9 **SEC. 36. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**
10 **GRAM.**

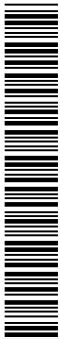
11 Section 643 of the Older Americans Act of 1965 (42
12 U.S.C. 3057n) is amended by striking “2001” each place
13 it appears and inserting “2007”.

14 **SEC. 37. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**
15 **TIES.**

16 Section 702 of the Older Americans Act of 1965 (42
17 U.S.C. 3058a) is amended by striking “2001” each place
18 it appears and inserting “2007”.

19 **SEC. 38. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

20 Section 751(d) of the Older Americans Act of 1965
21 (42 U.S.C. 3058aa(b)) is amended by striking “2001” and
22 inserting “2007”.



1 **SEC. 39. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**
2 **VENTION.**

3 Section 721 (b) of the Older Americans Act of 1965
4 (42 U.S.C. 3058i(b)) is amended—

5 (1) by inserting after paragraph (1) the fol-
6 lowing new paragraph:

7 “(2) providing for public education and out-
8 reach to promote financial literacy and prevent iden-
9 tity theft and financial exploitation of older individ-
10 uals;”; and

11 (2) by redesignating paragraphs (2) through
12 (8) as paragraphs (3) through (9), respectively.

13 **SEC. 40. TECHNICAL AMENDMENTS.**

14 The Older Americans Act of 1965 (42 U.S.C. 2001
15 et seq.) is amended—

16 (1) in section 202(e)(1)(A) by adding a period
17 at the end, and

18 (2) by inserting before section 401 the fol-
19 lowing:

20 **“TITLE IV—ACTIVITIES FOR**
21 **HEALTH, INDEPENDENCE**
22 **AND LONGEVITY”.**

